



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

HL 5CTR P

5
Bd. Mar. 1908.



HARVARD LAW LIBRARY

Received JAN 21 1908

man 3

2
c

ACTS

OF

THE PARLIAMENT

OF

SOUTH AUSTRALIA.

ANNO QUADRAGESIMO SEXTO ET QUADRAGESIMO SEPTIMO VICTORIÆ
REGINÆ, A.D. 1883-4.



Adelaide:

BY AUTHORITY: E. SPILLER, GOVERNMENT PRINTER, NORTH-TERRACE.

1884.

Ans
50
122
883

JAN 21 1908

ABSTRACT INDEX.

NAME OF ACT.	No. of Act.	NAME OF ACT.	No. of Act.
ADELAIDE SEWERS AMENDMENT	303	LOCAL COURTS AMENDMENT	299
APPROPRIATION	302	MARRIED WOMEN'S PROPERTY	300
BUILDING ACT AMENDMENT	283	PUBLIC LIBRARY	296
COMPANIES ACT AMENDMENT	289	RAILWAYS—	
CROWN LANDS AMENDMENT	304	HERGOTT SPRINGS	281
CUSTOMS ACT AMENDMENT	291	PALMERSTON AND PINE CREEK	284
DISTRICT COUNCILS AMENDMENT	293	STRATHALEBYN	294
ELECTORAL ACT AMENDMENT	280	SUPPLY (No. 1).. ..	279
EXHIBITION BUILDINGS	292	SUPPLY (No. 2)	287
FIRE BRIGADES	288	SUPPLY (No. 3)	290
GOVERNMENT FARM SALE PREVENTION ..	285	THIRD JUDGE AND DISTRICT COURTS AMEND-	
INFANTS CUSTODY	295	MENT	286
JUSTICES PROCEDURE	298	TOTALIZATOR ACT REPEAL	282
LOAN BILL	97	WOLSELEY EDUCATIONAL LANDS	301

PRIVATE BILLS—

ADELAIDE AND PARKSIDE TRAMWAY.

GLENELG RAILWAY.

OCEAN DOCK AMENDMENT.

PATAWALONGA CREEK.

VICTORIA-SQUARE THOROUGHFARE.

I N D E X.

- No. 279. An Act to apply, out of the General Revenue, the sum of Four Hundred Thousand Pounds to the Service of the Three Months ending the Thirtieth day of September, one thousand eight hundred and eighty-three. [Assented to, August 1st, 1883.]
- No. 280. An Act to amend "The Electoral Act, 1879." [Assented to, August 20th, 1883.]
- No. 281. An Act to provide for the formation of a Line of Railway from Hergott Springs to Primrose Springs. [Assented to, September 26th, 1883.]
- No. 282. An Act to repeal Act No. 263 of 1882 and Act No. 161 of 1879, and for other purposes. [Assented to, September 26th, 1883.]
- No. 283. An Act to amend "The Building Act, 1881," and "The Building Act Amendment Act, 1882." [Assented to, October 24th, 1883.]
- No. 284. An Act to provide for the formation of a Line of Railway from Palmerston to Pine Creek. [Assented to, October 26th, 1883.]
- No. 285. An Act prohibiting the Sale of Government Farm. [Assented to, October 26th, 1883.]
- No. 286. An Act to amend "The Third Judge and District Courts Act," and the Act No 6 of 1868-9. [Assented to, November 21st, 1883.]
- No. 287. An Act to apply, out of the General Revenue, the sum of Four Hundred Thousand Pounds to the Service of the Year ending the Thirtieth day of June, one thousand eight hundred and eighty-four. [Assented to, November 22nd, 1883.]
- No. 288. An Act to amend the "Fire Brigades Act, 1882." [Assented to, November 22nd, 1883.]
- No. 289. An Act to further amend "The Companies Act, 1864." [Assented to, November 22nd, 1883.]
- No. 290. An Act to apply, out of the General Revenue, the sum of Four Hundred Thousand Pounds to the Service of the Year ending the Thirtieth day of June, one thousand eight hundred and eighty-four. [Assented to, November 22nd, 1883.]
- No. 291. An Act to amend "The Customs Act, 1864." [Assented to, November 22nd, 1883.]
- No. 292. An Act to provide for the Holding a Jubilee International Exhibition of Works of Industry and Art. [Assented to, February 28th, 1884.]
- No. 293. An Act to amend "The District Councils Act, 1876," and "The District Councils Amendment Act, 1882." [Assented to, February 28th, 1884.]
- No. 294. An Act to amend the "Strathalbyn and Middleton Tramway Act, 1866," and for other purposes. [Assented to, February 28th, 1884.]
- No. 295. An Act to provide for the Custody of Infants. [Assented to, February 28th, 1884.]
- No. 296. An Act to provide for the establishment and incorporation of the Public Library, Museum, and Art Gallery, and to consolidate and amend the Laws relating to Institutions, and for other purposes. [Assented to, February 28th, 1884.]
- No. 297. An Act to provide Funds to the amount of One Million Six Hundred and Fifty-one Thousand Three Hundred Pounds, for various Public Works, and for other purposes. [Assented to, February 28th, 1884.]
- No. 298. An Act to amend the Law with regard to the Duties of Justices of the Peace. [Assented to, February 28th, 1884.]
- No. 299. An Act to amend the "Local Courts Act, 1861." [Assented to, February 28th, 1884.]
- No. 300. An Act to amend the Law of Property and of Contract with respect to Married Women. [Assented to, February 28th, 1884.]
- No. 301. An Act for the Resumption of certain Lands near Wolseley Railway Station granted to the Council of Education. [Assented to, February 28th, 1884.]
- No. 302. An Act for the Further Appropriation of the Revenue for the Year ended June thirtieth, one thousand eight hundred and eighty-three, and for the General Appropriation of the Revenue for the Year ending June thirtieth, one thousand eight hundred and eighty-four. [Assented to, February 28th, 1884.]
- No. 303. An Act to amend the "Adelaide Sewers Act." [Assented to, February 28th, 1884.]
- No. 304. An Act to amend "The Crown Lands Amendment Act, 1882." [Assented to, February 28th, 1884.]

- Private Act.** An Act to authorise "The Parkside Tramway Company, Limited," to construct, maintain, and work Tramways by horse traction in and between certain parts of the City of Adelaide and the Townships of Parkside, Fullarton, Parkside South, and Glen Osmond, and for other purposes. [Assented to, October 24th, 1883.]
- Private Act.** An Act to enable the Corporation of the City of Adelaide to construct and maintain a Road or Thoroughfare through the square or reserve situated in the said city known as Victoria-square. [Assented to, October 26th, 1883.]
- Private Act.** An Act to amend "The Ocean Dock Act, 1882." [Assented to, November 22nd, 1883.]
- Private Act.** An Act to amend the "Glenelg Railway Act, 1881," and to amend "The Adelaide, Glenelg, and Suburban Railway Act, 1871," and to amend the "Holdfast Bay Railway Act, 1878." [Assented to, November 22nd, 1883.]
- Private Act.** An Act to authorise the Corporation of the Town of Glenelg to improve the Patowalonga River in and near the Town of Glenelg, and for other purposes. [Assented to, February 28th, 1884.]



ANNO QUADRAGESIMO SEXTO ET QUADRAGESIMO
SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1883.

No. 279.

An Act to apply, out of the General Revenue, the sum of Four Hundred Thousand Pounds to the Service of the Three Months ending the Thirtieth day of September, one thousand eight hundred and eighty-three.

[Assented to, August 1st, 1883.]

BE it Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows: Preamble.

1. Out of the General Revenue of the said province there shall be issued and applied, from time to time, for the service of the three months ending the thirtieth day of September, one thousand eight hundred and eighty-three, any sums of money not exceeding in the whole the sum of Four Hundred Thousand Pounds: Provided that no payments for any establishment or service be made in excess of the rates voted for similar establishments or services on the Estimates for the year ended the thirtieth day of June, one thousand eight hundred and eighty-three, except so far as such rates are modified by the "Civil Service Act, 1874." Issue and application of £400,000.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WILLIAM C. F. ROBINSON, Governor.



ANNO QUADRAGESIMO SEXTO ET QUADRAGESIMO
SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1883.

No. 280.

An Act to amend "The Electoral Act, 1879."

[Assented to, August 20th, 1883.]

WHEREAS it is desirable to afford greater facilities for the exercise of the electoral franchise by persons residing in outlying portions of electoral districts—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

Preamble.

1. This Act may be cited as the "Electoral Act Further Amendment Act, 1883."

Short title.

2. Whenever, in the opinion of the Governor, any one or more portions of any electoral district are so remote from the chief polling-place of such district as to make it impracticable for the returning officer of the district to conduct the elections in the manner provided by "The Electoral Act, 1879," it shall be lawful for the Governor, by Proclamation, to appoint one or more assistant returning officers for such electoral district who shall, at such outlying portions of the district, and within the limits prescribed by such Proclamation, perform, subject to the provisions of this Act, the same duties and exercise the same powers as if they were the returning officers of the said district; and such assistant returning officers, when so appointed, shall also be assistant deputy returning officers for the corresponding electoral division, and shall, before they enter on the performance of their duties, make the declaration required to be made by section 10 of "The Electoral Act, 1879."

Governor may appoint assistant returning officers for outlying portions of electoral districts.

3. Upon

Electoral Act Further Amendment Act.—1883.

Such officer to be furnished with books for supplementary rolls.

3. Upon the appointment of any assistant returning officer, he shall be furnished with books according to the respective forms numbers 1 and 2 in the First Schedule of "The Electoral Act, 1879," and the lists of voters inscribed therein shall be called Supplementary Rolls of Electors for the district in question.

His duties in general.

4. With regard to the preparation of such supplementary electoral rolls, the registration of claims, and the entry of claimants on the said rolls, the granting of certificates, the revision of the said rolls, the correction of errors and supplying of omissions on the said rolls, the insertion of additional names thereon and the removal of names therefrom, the transfer of names from one division or district to another division or district, and the conduct of elections, such assistant returning officer shall, subject to the provisions of this Act, within such outlying portion of the district have, exercise, and enjoy the same powers and rights, and perform the same duties, and be subject to the same liabilities and penalties as if such outlying portion of the district were an electoral district, and he were the returning officer thereof.

Supplementary rolls to be exhibited in outlying portions of district.

5. The provisions of the Act, No. 183 of 1880, requiring every returning officer to cause copies of the rolls of the electoral district or division to which they refer to be exhibited in such electoral district or division in each year shall be deemed to have been complied with, so far as regards any such outlying portion of the district, by the exhibition at proper places therein of such supplementary rolls, whether written or printed, or partly written, or partly printed, and the assistant returning officer shall keep such rolls in his office within the said outlying portion of the district, and shall permit any person to peruse them at all reasonable hours without fee, and shall furnish copies to any persons desiring the same for the sum of Two Shillings and Sixpence each copy.

Provisions of Electoral Acts to apply to outlying portion of district.

6. The provisions of "The Electoral Act, 1879," and of any Acts extending or amending the same as to the publication of a notice calling public attention to the fact that fresh electoral rolls are about to be formed, and as to the delivery of forms, and as to the appointment and duty of collectors, and as to the duties and powers of each returning officer on receipt of returns, and as to the compilation of fresh rolls and the printing thereof every fifth year after the month of February, 1881, shall apply to any such outlying portion of the district, and the assistant returning officer shall perform therein with regard to such matters all the duties of returning officer.

Returning officer to telegraph writ, &c., to assistant returning officer, who is to give public notice of the same.

7. The returning officer for any electoral district for which an assistant returning officer is appointed, on the receipt of any writ for the election of any member to the House of Assembly, or of any copy of a writ for the election of any member to the Legislative Council, shall immediately telegraph the same to the assistant returning officer of such outlying portion of the district, and give him

Electoral Act Further Amendment Act.—1883.

him notice by telegraph of the day of nomination, and of the polling day; and the assistant returning officer shall, in the manner required by "The Electoral Act, 1879," "The Electoral Amendment Act, 1882," and any Acts extending or amending the same, give public notice of the writ, the day of nomination, the day of polling, and the names of the polling-places within such outlying portion of the district.

8. Any candidate for election may forward his nomination papers to the assistant returning officer, who shall forthwith telegraph the contents thereof to the returning officer of the district, or, in case of election to the Legislative Council, to the returning officer of the Legislative Council district to which such election relates.

Assistant returning officer to telegraph to returning officer nominations received in outlying portions of district.—*Vide sec. 48, Act 141, 1879.*

9. When the returning officer for the district has received the telegram from the assistant returning officer stating whether any, and if any, what nominations have been received in such outlying portion of the district the returning officer shall immediately telegraph to the assistant returning officer all the nominations for such election, including any that may have been made in such outlying portion of the district, and in case of elections to the Legislative Council, the returning officer for the Legislative Council district to which the election relates shall immediately telegraph to the assistant returning officer all the nominations for such election, including any that may have been made in such outlying district.

Returning officer to telegraph whole of nominations to assistant returning officer.

10. Upon the receipt of such list of nominations the assistant returning officer, if an election is necessary, shall appoint such persons and do and cause to be done such acts and things as are required by "The Electoral Act, 1879," and any Acts extending or amending the same, for the purpose of taking the poll in accordance with those Acts in the outlying portion of the district.

Assistant returning officer to appoint substitutes.

11. Each candidate may, by letter or telegram addressed to the assistant returning officer, nominate a scrutineer to attend the scrutiny in such outlying portion of the district, and such letter or telegram shall give the name and the address of the person so appointed.

Candidates may appoint scrutineers.

12. When the assistant returning officer shall have received all the ballot-boxes from the several polling-places within such outlying portion of the district, he shall conduct the scrutiny for such outlying portion of the district in accordance with the said Acts, and such scrutineers as desire to be present shall be present and shall sign the record of the votes, and such assistant returning officer shall, in the presence of such scrutineers as desire to be present, telegraph the result to the returning officer.

Assistant returning officer to conduct scrutiny.

13. The returning officer shall forthwith ascertain the total number of votes, including the numbers so received by telegraph that

Returning officer to count votes and telegraph result to assistant.

Electoral Act Further Amendment Act.—1883.

that have been polled for each candidate, and shall make his return accordingly and shall telegraph the final result to the assistant returning officer, who shall give public notice of the same.

Provision for interruption of telegraph.

14. In case telegraphic communication is interrupted between such outlying portion of the district and the office of the returning officer of the district, it shall be lawful for the Governor or for the Speaker, as the case may be, from time to time at discretion to extend the time appointed for the nomination, or for the polling, or for the return of the writ, or for any of the proceedings connected with such election: Provided that any such extension of time be duly notified in the *Government Gazette*.

Extension of hours of voting.

15. Section 58 of the Electoral Act, 1879, is hereby amended by the substitution of the words "six o'clock in the evening" in lieu of the words "five o'clock in the afternoon," in the second sub-division of such section.

Act to be construed with Electoral Acts.

16. This Act, so far as is consistent with the tenor thereof, shall be incorporated and construed as one with "The Electoral Act, 1879," and an Act of the forty-third and forty-fourth years of Her present Majesty, being No. 183 of 1880, intituled "An Act to amend the Electoral Act 1879," and "The Electoral Amendment Act, 1882."

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WILLIAM C. F. ROBINSON, Governor.



ANNO QUADRAGESIMO SEXTO ET QUADRAGESIMO
SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1883.

No. 281.

An Act to provide for the formation of a Line of Railway
from Hergott Springs to Primrose Springs.

[Assented to, September 26th, 1883.]

WHEREAS it is expedient to provide for the construction of a Preamble.
Line of Railway from Hergott Springs to Primrose Springs:
And whereas plans of the proposed railway, showing the line thereof,
together with the book of reference thereto, have been duly prepared
and deposited in the offices of the Surveyor-General, at Adelaide,
and signed "R. C. Patterson, Deputy Engineer-in-Chief"—Be it
therefore Enacted by the Governor of the Province of South Aus-
tralia, with the advice and consent of the Legislative Council and
House of Assembly of the said province, in this present Parliament
assembled, as follows:

1. "The Lands Clauses Consolidation Act," and an Act, No. 26 Incorporation.
of 1855-6, to amend "The Lands Clauses Consolidation Act," and
"The Railways Clauses Consolidation Act," and an Act, No. 6 of
1858, to amend "The Railways Clauses Consolidation Act," and all
other Acts passed or hereafter to be passed amending the said Rail-
ways Clauses Consolidation Act or Lands Clauses Consolidation Acts,
so far as the same are severally applicable to this Act, shall be
incorporated therewith, and the said Acts shall be read and con-
strued together accordingly.

2. The Commissioner of Railways, hereinafter called "the said Power to make
railway.
Commissioner," may make and maintain a line of railway from
Hergott Springs to Primrose Springs, together with all proper works
and conveniences connected therewith, as the same is delineated
in

Hergott Springs and Primrose Springs Railway Act.—1883.

in the said plans so deposited at the offices of the Surveyor-General, at Adelaide, as aforesaid, or as may be delineated in any plans which may hereafter be so deposited, pursuant to any law for the time being in force respecting such deposit of the said plans.

Gauge.

3. The gauge of the said railway shall be three feet six inches, and the rails to be used in the construction thereof shall be of steel, and of the weight of not less than fifty-one pounds to the yard.

Powers of
Commissioner.

4. The said Commissioner may demand any tolls for the use of the said railway, not exceeding the following, that is to say—

Tolls.

I. In respect of the tonnage of all articles conveyed upon the said railway, or any part thereof not in this Act otherwise particularly specified, the rate of Ninepence per ton per mile:

For wool, measurement goods, fruit, and furniture, One Shilling per ton per mile:

For every description of carriage, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform, One Shilling and Threepence per mile; and for any ton or fractional part of a ton beyond one ton which any carriage may weigh, Eightpence per mile:

Tolls for passengers
and cattle.

II. In respect of passengers and animals conveyed upon the said railway in carriages, whether belonging to the said Commissioner or otherwise, as follows—

For every person conveyed in or upon any such carriage, being a first-class carriage, or compartment of a carriage, Fourpence per mile:

For every person conveyed in a second-class carriage or compartment, Threepence per mile:

For every horse, mule, ass, or other beast of draught or burden conveyed upon the said railway, Sixpence per mile; and for every ox, cow, bull, or neat cattle so conveyed, Twopence per mile:

For every calf, sheep, lamb, pig, or other small animal, conveyed in or upon the said railway, One Halfpenny per mile:

Provided always, that for every fraction of a mile a full mile may be charged, and that for any shorter distance than three miles, three miles may be charged.

Tolls to include use
of motive power.

5. In the said tolls shall be included the toll for the use of the carriages, and of the engines or other means used for propelling the carriages on the said railway, and no further charge than is heretofore stated shall be made therefor: Provided that nothing herein contained shall be construed to prevent an extra charge

Hergott Springs and Primrose Springs Railway Act.—1883.

charge being made for the use of engines and carriages for special and express trains: Provided also that nothing herein contained shall preclude private individuals from contracting with the said Commissioner for permission to use their own trucks or carriages upon the said railway.

6. In addition to the prescribed tolls for the conveyance of articles, the said Commissioner may charge a reasonable sum for loading and unloading: Provided always that the owners of goods shall be at liberty to employ their own servants for loading and unloading, subject to the regulations in force for the time being for the working of the said railway. Regulations as to tolls.

7. The weight of all articles, except stone and timber, shall be determined according to the usual avoirdupois weight; with respect to stone and timber, fourteen cubic feet of stone, and forty cubic feet of hard wood, and fifty cubic feet of other timber, shall be deemed one ton weight, and so on in proportion for any smaller quantity: Provided that any less quantity than half a ton may be charged as half a ton. Weight, how determined.

8. Notwithstanding the rate of tolls hereinbefore prescribed, the said Commissioner may lawfully demand the tolls following, for small packages and single articles of no great weight, that is to say— Tolls for separate parcels.

For the carriage of any parcel not exceeding twenty-eight pounds in weight, not exceeding One Penny per mile each:

For any parcel not exceeding fifty-six pounds in weight, not exceeding Three Halfpence per mile each:

For any parcel not exceeding one hundred and twelve pounds in weight, not exceeding Twopence per mile each; and not exceeding One Penny per mile each for every additional fifty-six pounds in weight:

For the carriage of any one boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which shall exceed four tons, the said Commissioner may demand such sum as he shall think fit:

Provided that articles sent in large aggregate quantities, although made up of separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but such term shall apply only to single parcels in separate packages.

9. In all cases where any article, matter, or thing, not being a small package, shall be carried or conveyed along the said railway for so short a distance that the sum of money authorised by this Act to be demanded or received for the same shall not amount to the sum of Three Shillings per ton, the sum to be paid in respect to the carriage thereof shall be Three Shillings per ton. Fixed sum per ton for short distances.

10. Owners

Hergott Springs and Primrose Springs Railway Act.—1883.

Goods, when to be removed.

10. Owners or consignees of articles shall remove the same from the station or terminus of their destination on the said railway within twelve working hours after their arrival there, unless such arrival shall be between the hours of four in the evening and seven in the morning, and in that case every such removal shall be made within six hours after such hour in the morning, and in default of such removal shall be liable to demurrage at and after the rate of Two Shillings and Sixpence per ton; and further, if not removed after the expiration of twenty-four hours at and after the rate of One Shilling per ton for every twenty-four hours or any part thereof: Provided, nevertheless, that if such articles be not removed from such station or terminus of their destination before the end of one week after their arrival there, the sum of Two Shillings and Sixpence per ton per week shall be charged and payable in respect of such goods for the warehouse-room thereof.

Passengers' luggage.

11. Every passenger travelling upon the said railway may take with him his ordinary luggage, not exceeding one hundred pounds in weight for first-class passengers, and sixty pounds in weight for other passengers, without any charge being made for carriage thereof.

Appropriation of tolls, &c.

12. All tolls, rents, dues, charges, and sums of money which may at any time be received and levied under authority hereof, and all rents to arise from any lease of the said railway, shall be, from time to time, in such manner as the Governor may prescribe, paid to the Treasurer for the public purposes of the said province.

Annual abstract of accounts to be published.

13. The said Commissioner shall, on or before the first day of August in every year, prepare an annual account in abstract of the total receipts and expenditure under authority hereof for the railway by this Act authorised to be constructed, from what source soever the same may be derived, for and during the preceding year ending the thirtieth day of June, under the several distinct heads of receipt and expenditure, with a statement of the balance of the same account duly audited and certified by the Treasurer, and also by the Auditor-General, and a copy of such account shall be published in the *Government Gazette*.

Exemption from rates.

14. The railway by this Act authorised to be constructed, shall be, and is hereby declared to be, exempt from all rates and taxes whatsoever, whether local or general.

Short title.

15. This Act may be cited as the "Hergott Springs and Primrose Springs Railway Act, 1883."

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WILLIAM C. F. ROBINSON, Governor.



ANNO QUADRAGESIMO SEXTO ET QUADRAGESIMO
SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1883.

No. 282.

An Act to repeal Act No. 263 of 1882 and Act No. 161
of 1879, and for other purposes.

[Assented to, September 26th, 1883.]

BE it Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows :

1. From and after the first day of June, one thousand eight hundred and eighty-four, Act No. 263 of 1882 and Act No. 161 of 1879 are hereby repealed. Repeal.

2. Every person betting, or offering to bet, by way of wagering or gaming, in any public place, or in any place to which the public are or shall be permitted to have access, whether on payment of money or otherwise, or in any such place getting up or taking part in any sweepstakes, or publishing, or causing to be published in any public newspaper, or by circular, any advertisement inviting the public to subscribe to or take part in any bet or sweepstakes, shall be liable to a penalty of not less than Forty Shillings nor more than One Hundred Pounds ; and for a second offence shall be deemed a rogue and vagabond within the true intent and meaning of the "Police Act, 1869," and as such may be convicted and punished. Penalty on betting, or inviting or publishing invitation to subscribe to a bet or sweepstakes.

3. Nothing in this Act contained shall extend to any person paying or depositing, or receiving or holding, any money or valuable thing Stakeholders protected.

Totalizator Repeal Act.—1883.

thing by way of stakes or deposit to be paid to the winner of any horse race, sport, or exercise, or to any person entitled to the same under the conditions of such race, sport, or exercise.

Short title.

4. This Act may be cited as the "Totalizator Repeal Act."

In the name and on behalf of Her Majesty, I hereby assent to
this Bill.

WILLIAM C. F. ROBINSON, Governor.



ANNO QUADRAGESIMO SEXTO ET QUADRAGESIMO
SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1883.

No. 283.

An Act to amend "The Building Act, 1881," and
"The Building Act Amendment Act, 1882."

[Assented to, October 24th, 1883.]

WHEREAS it is expedient to amend "The Building Act, 1881," and "The Building Act Amendment Act, 1882," and to make such other provisions as are hereinafter contained—
Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

1. This Act may be cited for all purposes as "The Building Act Amendment Act, 1883," and shall be read and construed as one with "The Building Act, 1881" (hereinafter called the principal Act), and "The Building Act Amendment Act, 1882," except so far as the same are hereby amended, altered, or repealed.

Title and incorporation.

2. The third section of the miscellaneous rules comprised in the First Schedule of the principal Act, and sections four and eight of "The Building Act Amendment Act, 1882," are hereby repealed.

Repeal.

3. Section twenty, sub-section one, of the principal Act shall be amended by striking out the words "galvanized corrugated," in the eighth line, and inserting after the word "cement," in the ninth line, the words "or other non-combustible material."

Amendment of sec. 20, sub-sec. 1, of the principal Act.

4. Notwithstanding anything contained in the First Schedule to the principal Act, all public buildings, and buildings to which the rules

Public Buildings.
General provision.

The Building Act Amendment Act.—1883.

rules contained in the said Schedule are in the opinion of the Council inapplicable, shall require the special sanction of the Council.

Amendment of sec. 1,
Part II., First
Schedule of the prin-
cipal Act.

5. Section one of Part II. of the First Schedule to the principal Act shall be amended by striking thereout the words “and chimneys appertaining to the same.”

Amendment of sec. 8.
Ibid.

6. Section eight of Part II. of the First Schedule to the principal Act shall be amended by inserting therein, after the word “class,” “or of any chimney stack.”

Division of buildings.

7. The cubical contents of warehouses or other buildings used wholly or in part for the purposes of trade or manufacture shall not be subject to any limit; but where such building exceeds two hundred and sixteen thousand cubic feet the walls thereof shall be increased four inches in thickness from the foundation upwards, beyond the thickness prescribed in Schedule I., Part II. of the principal Act.

Fees, fowlhouses, &c.

8. Notwithstanding the provision made for the payment of fees for new buildings in the Second Schedule to the principal Act, no fees shall be charged or payable on the erection of any fowlhouse, woodshed, conservatory, or summer-house, the area of which does not exceed one hundred and fifty superficial feet, and the height twelve feet, and that no plan, sketch, or specification shall be necessary or be demanded by the Corporation on such erections.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WILLIAM C. F. ROBINSON, Governor.



ANNO QUADRAGESIMO SEXTO ET QUADRAGESIMO
SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1883.

No. 284.

An Act to provide for the formation of a Line of Railway
from Palmerston to Pine Creek.

[Assented to, October 26th, 1883.]

WHEREAS it is expedient to provide for the construction of a line of railway from Palmerston to Pine Creek: And whereas plans of the proposed railway, showing the line thereof, together with the book of reference thereto, have been duly prepared and deposited in the offices of the Surveyor-General, at Adelaide, and signed "R. C. Patterson, Deputy Engineer-in-Chief"—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

Preamble.

1. "The Lands Clauses Consolidation Act," and an Act, No. 26 of 1855-6, to amend "The Lands Clauses Consolidation Act," and "The Railways Clauses Consolidation Act," and an Act, No. 6 of 1858, to amend "The Railways Clauses Consolidation Act," and all other Acts passed or hereafter to be passed amending the said Railways Clauses Consolidation Act or Lands Clauses Consolidation Acts, so far as the same are severally applicable to this Act, shall be incorporated therewith, and the said Acts shall be read and construed together accordingly.

Incorporation.

2. The Commissioner of Railways, hereinafter called "the said Commissioner," may make and maintain a line of railway from Palmerston to Pine Creek, and all other proper works and conveniences connected therewith, as the same is delineated in the said plans

Power to make railway.

Palmerston and Pine Creek Railway Act.—1883.

plans so deposited at the offices of the Surveyor-General, at Adelaide, as aforesaid, or as may be delineated in any plans which may hereafter be so deposited, pursuant to any law for the time being in force respecting such deposit of the said plans.

Gauge.

3. The gauge of the said railway shall be three feet six inches, and the rails to be used in the construction thereof shall be of steel, and of the weight of not less than forty-one pounds to the yard.

Powers of
Commissioner.

4. The Commissioner may demand any tolls for the use of the said railway, not exceeding the following, that is to say—

Tolls.

1. In respect of the tonnage of all articles conveyed upon the said railway, or any part thereof not in this Act otherwise particularly specified, the rate of Ninepence per ton per mile:

For wool, measurement goods, fruit, and furniture, One Shilling per ton per mile:

For every description of carriage, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform, One Shilling and Threepence per mile; and for any ton or fractional part of a ton beyond one ton which any carriage may weigh, Eightpence per mile:

Tolls for passengers
and cattle.

11. In respect of passengers and animals conveyed upon the said railway in carriages, whether belonging to the said Commissioner or otherwise, as follows—

For every person conveyed in or upon any such carriage, being a first-class carriage, or compartment of a carriage, Fourpence per mile:

For every person conveyed in a second-class carriage or compartment, Threepence per mile:

For every horse, mule, ass, or other beast of draught or burden conveyed upon the said railway, Sixpence per mile; and for every ox, cow, bull, or neat cattle so conveyed, Twopence per mile:

For every calf, sheep, lamb, pig, or other small animal, conveyed in or upon the said railway, One Halfpenny per mile:

Provided always, that for every fraction of a mile a full mile may be charged, and that for any shorter distance than three miles, three miles may be charged.

Tolls to include use
of motive power.

5. In the said tolls shall be included the toll for the use of the carriages, and of the engines or other means used for propelling the carriages on the said railway, and no further charge than is heretofore stated shall be made therefor: Provided that nothing herein contained shall be construed to prevent an extra charge being made for the use of engines and carriages for special and express

Palmerston and Pine Creek Railway Act.—1883.

express trains: Provided also that nothing herein contained shall preclude private individuals from contracting with the said Commissioner for permission to use their own trucks or carriages upon the said railway.

6. In addition to the prescribed tolls for the conveyance of articles, the said Commissioner may charge a reasonable sum for loading and unloading: Provided always that the owners of goods shall be at liberty to employ their own servants for loading and unloading, subject to the regulations in force for the time being for the working of the said railway.

Regulations as to tolls.

7. The weight of all articles, except stone and timber, shall be determined according to the usual avoirdupois weight; with respect to stone and timber, fourteen cubic feet of stone, and forty cubic feet of hard wood, and fifty cubic feet of other timber, shall be deemed one ton weight, and so on in proportion for any smaller quantity: Provided that any less quantity than half a ton may be charged as half a ton.

Weight, how determined.

8. Notwithstanding the rate of tolls hereinbefore prescribed, the said Commissioner may lawfully demand the tolls following, for small packages and single articles of no great weight, that is to say—

Tolls for separate parcels.

For the carriage of any parcel not exceeding twenty-eight pounds in weight, not exceeding One Penny per mile each:

For any parcel not exceeding fifty-six pounds in weight, not exceeding Three Halfpence per mile each:

For any parcel not exceeding one hundred and twelve pounds in weight, not exceeding Twopence per mile each; and not exceeding One Penny per mile each for every additional fifty-six pounds in weight:

For the carriage of any one boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which shall exceed four tons, the said Commissioner may demand such sum as he shall think fit:

Provided that articles sent in large aggregate quantities, although made up of separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but such term shall apply only to single parcels in separate packages.

9. In all cases where any article, matter, or thing, not being a small package, shall be carried or conveyed along the said railway for so short a distance that the sum of money authorised by this Act to be demanded or received for the same shall not amount to the sum of Three Shillings per ton, the sum to be paid in respect to the carriage thereof shall be Three Shillings per ton.

Fixed sum per ton for short distances.

10. Owners

Palmerston and Pine Creek Railway Act.—1883.

Goods, when to be removed.

10. Owners or consignees of articles shall remove the same from the station or terminus of their destination on the said railway within twelve working hours after their arrival there, unless such arrival shall be between the hours of four in the evening and seven in the morning, and in that case every such removal shall be made within six hours after such hour in the morning, and in default of such removal shall be liable to demurrage at and after the rate of Two Shillings and Sixpence per ton; and further, if not removed after the expiration of twenty-four hours at and after the rate of One Shilling per ton for every twenty-four hours or any part thereof: Provided, nevertheless, that if such articles be not removed from such station or terminus of their destination before the end of one week after their arrival there, the sum of Two Shillings and Sixpence per ton per week shall be charged and payable in respect of such goods for the warehouse room thereof.

Passengers' luggage.

11. Every passenger travelling upon the said railway may take with him his ordinary luggage, not exceeding one hundred pounds in weight for first-class passengers, and sixty pounds in weight for other passengers, without any charge being made for carriage thereof.

Appropriation of tolls, &c.

12. All tolls, rents, dues, charges, and sums of money which may at any time be received and levied under authority hereof, and all rents to arise from any lease of the said railway, shall be, from time to time, in such manner as the Governor may prescribe, paid to the Treasurer for the public purposes of the said province.

Annual abstract of accounts to be published.

13. The said Commissioner shall, on or before the first day of August in every year, prepare an annual account in abstract of the total receipts and expenditure under authority hereof for the railway by this Act authorised to be constructed, from what source soever the same may be derived, for and during the preceding year, ending the thirtieth day of June, under the several distinct heads of receipt and expenditure, with a statement of the balance of the same account duly audited and certified by the Treasurer, and also by the Commissioners of Audit, and a copy of such account shall be published in the *Government Gazette*.

Exemption from rates.

14. The railway by this Act authorised to be constructed, shall be, and is hereby declared to be, exempt from all rates and taxes whatsoever, whether local or general.

Short title.

15. This Act may be cited as the "Palmerston and Pine Creek Railway Act, 1883."

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WILLIAM C. F. ROBINSON, Governor.



ANNO QUADRAGESIMO SEXTO ET QUADRAGESIMO
SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1883.

No. 285.

An Act prohibiting the Sale of the Government Farm.

[Assented to, October 26th, 1883.]

WHEREAS it is desirable that that portion of Crown Lands known as the Government Farm should not be sold without the authority of Parliament—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows :

Preamble.

1. No portion of those Crown Lands, situate in the Hundred of Adelaide, now known as the Government Farm, consisting of about two thousand acres, commencing at the south-west corner of section 971, Hundred of Adelaide; thence north-north-easterly along the western boundaries of sections 971, 958, 955, and 954, to the southern side of the road south of section 943; thence west-north-westerly along the said side of road to the east boundary of section 1037; thence south-south-westerly and west-north-westerly along the south-eastern and south-western boundaries of said section to the eastern boundary of the Government Quarry Reserve; thence southerly, westerly, and northerly, following the eastern, southern, and western boundaries of the said reserve to the southern side of the road south of section 940; thence generally in a west-north-westerly direction along the said side of road, its deviation south of Sheaoak Hill, and the southern side of the road south of sections 941, 1097, and 1095, to the eastern side of the road east of section 1072; thence southerly along the eastern side of the road east of sections 1072, 882, 879, and 875, to the north-eastern side of the road north-east of section 1279; thence south-easterly along the said side

No portion of Government Farm to be sold without the sanction of Parliament.

Prohibition of Sale of Government Farm Act.—1883.

side of road to the northern side of the road north of section 873 ; thence generally in an easterly and south-easterly direction along the northern and north-eastern sides of the said road and its deviations north and north-east of sections 873, 1123, 1154, 1170, 355, 356, and 357, to the south-west corner of section 971, the point of commencement (exclusive of all land taken for the Adelaide and Nairne Railway), shall be sold or otherwise disposed of without the authority of the Parliament of the said province.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WILLIAM C. F. ROBINSON, Governor.



ANNO QUADRAGESIMO SEXTO ET QUADRAGESIMO
SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1883.

No. 286.

An Act to amend "The Third Judge and District
Courts Act," and the Act No. 6 of 1868-9.

[Assented to, November 21st, 1883.]

BE it Enacted by the Governor of the Province of South Preamble.
Australia, with the advice and consent of the Legislative
Council and House of Assembly of the said province, in this present
Parliament assembled, as follows:

1. Notwithstanding anything contained in "The Third Judge
and District Courts Act," or in the Act No. 6 of 1868-9, in the
event of any Judge named in any commission under the first-
mentioned Act not attending at the time and place appointed for
holding any Circuit Court, it shall be lawful for any other Judge of
the Supreme Court to hold such Circuit Court according to the tenor
of such commission, and as if he had been named therein.

In event of non-
attendance of Judge
named in commission
any other Judge may
hold Circuit Court.

In the name and on behalf of Her Majesty, I hereby assent to this
Bill.

WILLIAM C. F. ROBINSON, Governor.



ANNO QUADRAGESIMO SEXTO ET QUADRAGESIMO
SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1883.

No. 287.

An Act to apply, out of the General Revenue, the sum of
Four Hundred Thousand Pounds to the Service
of the Year ending the Thirtieth day of June,
one thousand eight hundred and eighty-four.

[Assented to, November 22nd, 1883.]

BE it Enacted by the Governor of the Province of South Aus-
tralia, with the advice and consent of the Legislative Council
and House of Assembly of the said province, in this present Parlia-
ment assembled, as follows:

Preamble.

1. Out of the General Revenue of the said province there shall
be issued and applied, from time to time, for the service of the
year ending the thirtieth day of June, one thousand eight hundred
and eighty-four, any sums of money not exceeding in the whole
the sum of Four Hundred Thousand Pounds: Provided that no
payments for any establishment or service be made in excess of the
rates voted for similar establishments or services on the Estimates
for the year ended the thirtieth day of June, one thousand eight
hundred and eighty-three, except so far as such rates are modified
by the "Civil Service Act, 1874."

Issue and application
of £400,000.

In the name and on behalf of Her Majesty, I hereby assent to
this Bill.

WILLIAM C. F. ROBINSON, Governor.



ANNO QUADRAGESIMO SEXTO ET QUADRAGESIMO
SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1883.

No. 288.

An Act to amend the "Fire Brigades Act, 1882."

[*Assented to, November 22nd, 1883.*]

WHEREAS it is desirable to amend the "Fire Brigades Act, 1882"—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly, in this present Parliament assembled, as follows:

1. This Act may be cited as the "Fire Brigades Act Amendment Act, 1883," and shall be taken and read, so far as is consistent with the tenor thereof, as part of the "Fire Brigades Act, 1882," hereinafter called the principal Act.

Title and Incorporation.

2. The third section of the principal Act is hereby repealed; and in lieu thereof it is enacted, as follows:—Every company now carrying on within this province the business of insuring against loss or damage by fire, and which is not already registered as hereinafter mentioned, or which shall hereafter so carry on such business, shall, within thirty days after the passing of this Act, or within thirty days after commencing such business (whichever shall last happen), obtain from the Registrar of Companies a certificate of registration, and shall pay to him the sum of Five Pounds Five Shillings for such certificate; and notice of such registration shall be published by such Registrar in the *Government Gazette*.

Insurance Companies to be registered.

Fee payable.

3. All companies which commenced business as aforesaid, after thirty days from the passing of the principal Act, are hereby exempted

Exemption from penalties under repealed clause.

Fire Brigades Act Amendment Act.—1883.

exempted from all penalties incurred by them in consequence of their not having obtained the certificate of registration required by that Act.

Appointment of Board.

4. The sixth section of the principal Act is hereby repealed, and in lieu thereof, it is Enacted as follows:—The Governor shall annually, in the month of January in each and every year, appoint seven persons to be the Fire Brigades Board, one of whom shall be appointed on the nomination of the Council of the Municipality of Adelaide, one on the nomination of the whole of the Local Fire Brigades Boards, and three on the nomination of the Insurance Companies doing business within the Municipality of Adelaide, and the members of such Board shall continue in office until their successors are appointed. In the event of the Local Fire Brigades Boards not agreeing on the nomination of one person to represent such Boards, the Governor shall appoint to represent such Local Fire Brigades Boards, the person nominated by the majority in number of such last-mentioned Boards.

On failure of nomination of members, Governor may appoint.

If the Council of the Municipality of Adelaide, or the Local Fire Brigades Boards, or the Fire Insurance Companies, shall fail to exercise their respective rights to nominate a member or members of the Board, at some time within twenty-one days after such right to nominate shall accrue, the Governor shall appoint such persons as he may think fit to the places in respect of which such right of nomination has failed to be exercised.

Vacancies, how to be filled.

If any vacancy shall occur in the Board by reason of the death, resignation, or removal of any member appointed on the nomination of the Municipality of Adelaide, or of the Local Brigades Boards, or of the Fire Insurance Companies, as aforesaid, or of any member appointed by the Governor, by reason of such failure to nominate as aforesaid, and the Municipality of Adelaide, or the Local Brigades Board, or the Fire Insurance Companies, as the case may be, shall fail to nominate any other person or persons to fill such vacancies within twenty-one days after such vacancies occurring, such vacancies shall be filled up by the Governor.

5. The thirteenth section of the "Fire Brigades Act, 1882," is hereby repealed, and in lieu thereof it is enacted as follows:—The Municipality of Adelaide shall pay to the Board, in quarterly payments, on the first days of January, April, July, and October in each year, out of the funds derived from extraneous sources beyond the city rates, a sum of money being one-sixth of the moneys laid out by the Board within the limits of the Municipality in respect of the objects of this Act during the preceding three months, but so that the total amount to be paid by the Municipality during any year shall not exceed the sum of Five Hundred Pounds.

Payments by Municipalities and District Councils to Local Fire Brigades Boards.

6. Wherever a Local Fire Brigades Board shall be established by the Governor on the application of any Municipality or District Council

Fire Brigades Act Amendment Act.—1883.

Council, as provided by the fifth section of the principal Act, such Municipality or District Council shall pay to the Fire Brigades Board, in quarterly payments, on the first days of January, April, July, and October in each year, out of the funds of the Municipality or District Council, a sum of money being one-sixth of the sum laid out by the Fire Brigades Board in respect of the objects of this Act within the limits of such Municipality or District Council, but so that the total contribution of the Municipality or District Council for each year shall not exceed Five Hundred Pounds.

7. And all moneys expended within the limits of such Municipality or Council in respect of the objects of this Act shall be paid by the Board, and shall be deemed portion of the outlay of the Board within the meaning of the "Fire Brigades Act, 1882," and shall be contributed by the Treasurer, the Insurance Companies, and the Municipality or Council, in the same proportion as in that Act provided; and for the purposes of this section the word "Municipality," whenever it occurs in section 13 of the said Act, shall be read as if the words "Municipality or Council" had been inserted in lieu thereof.

How moneys expended by Municipality or Council are to be contributed.

8. Every Local Fire Brigades Board to be appointed under the principal Act shall, immediately upon appointment, become a corporation with perpetual succession and a common seal, under the corporate name of "The Local Fire Brigades Board of _____", the blank being filled up with the name of the Municipality or District Council, and by such corporate name may sue and be sued, and may acquire and deal with real and personal estate for the purposes of this and the principal Act, and the chairman and one other member or any three members shall be a quorum.

Incorporation of Local Fire Brigades Boards.

9. Whenever any member of the Local Fire Brigade Board shall cease to be mayor or chairman, or member of the Municipal or District Council, as the case may be, or shall by writing, signed by him and addressed to the chairman of the Local Fire Brigades Board, resign his seat on such Board, a vacancy shall occur therein, and the Governor may thereupon fill up such vacancy by appointing another person, qualified as provided by the principal Act.

Vacancies in Local Fire Brigades Boards.

10. Upon the appointment of a Local Fire Brigades Board, as provided by the principal Act, the duty of extinguishing fires and protecting and saving life and property in cases of fire, within the limits of the Municipality or District Council respectively, shall be entrusted to such Local Fire Brigades Boards; and, subject to the provisions of the principal Act, the superintendents, officers, and firemen of the Brigades appointed by them shall perform the duties, enjoy the advantages and immunities, and be subject to the liabilities, provided by the principal Act in the case of the Fire Brigades Board, and the superintendent, officers, and firemen appointed by such last-mentioned Board, and the provisions of that Act, *mutatis mutandis*, shall apply to Local Fire Brigades Boards.

The principal Act to apply to Local Fire Brigades Boards.

11. The

Fire Brigades Act Amendment Act.—1883.

Salaries of Local Fire Brigades to be under control of the Board created by the principal Act.

11. The power conferred by the principal Act on the Fire Brigades Board, of exercising control over the Local Fire Brigades Boards, shall extend to all expenditure, including the rate of pay to be given by the last-named Boards to the superintendent, officers, and firemen of any Fire Brigade employed or appointed by such last-named Boards within the limits of the Municipality or District Council, as the case may be.

No payment to the Board in respect of property owned by Government.

12. Notwithstanding anything contained in the principal Act respecting the payment to be made by the owner of any uninsured house or other building for the services described in the Schedule to the principal Act, no payment shall be made to the Board for any such services in respect of any property owned by Her Majesty's Government.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WILLIAM C. F. ROBINSON, Governor.



ANNO QUADRAGESIMO SEXTO ET QUADRAGESIMO
SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1883.

No. 289.

An Act to further amend "The Companies Act, 1864."

[Assented to, November 22nd, 1883.]

WHEREAS it is desirable further to amend "The Companies Act, 1864"—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

1. This Act may be cited as "The Companies Act Amendment Act, 1883." Short title.

2. Any company registered under "The Companies Act, 1864," with the sanction of a special resolution of the company passed in accordance with the provisions of the said Act, and with the approval of the Registrar of Companies, testified by him in writing to be registered by him, may change its name, and, upon such change being made, the Registrar shall enter the new name on the register in place of the former name, and shall issue a certificate of incorporation altered to meet the circumstances of the case; but no such alteration of name shall affect any rights or obligations of the company, or render defective any legal proceedings instituted or to be instituted by or against the company, and any legal proceedings may be continued or commenced against the company by its new name that might have been continued or commenced against the company by its former name: Provided that any alteration so made shall be advertised once in the *Government Gazette*, and in one newspaper published in the said province, nearest to the registered office of the company. Power of companies to change name.

3. In

The Companies Act Amendment Act.—1883.

Fees.**3.** In respect of the registration herein provided for, there shall be paid to the Registrar of Companies the following fees, namely—

	£	s.	d.
For registration of the Registrar's approval of the new name.....	0	5	0
For registration of the new name and the issue of the new certificate.....	2	0	0

In the name and on behalf of Her Majesty, I hereby assent to
this Bill.

WILLIAM C. F. ROBINSON, Governor.



ANNO QUADRAGESIMO SEXTO ET QUADRAGESIMO
SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1883.

No. 290.

An Act to apply, out of the General Revenue, the sum of
Four Hundred Thousand Pounds to the Service
of the Year ending the Thirtieth day of June,
one thousand eight hundred and eighty-four.

[Assented to, November 22nd, 1883.]

BE it Enacted by the Governor of the Province of South Aus-
tralia, with the advice and consent of the Legislative Council
and House of Assembly of the said province, in this present Parlia-
ment assembled, as follows:

Preamble.

1. Out of the General Revenue of the said province there shall
be issued and applied, from time to time, for the service of the
year ending the thirtieth day of June, one thousand eight hundred
and eighty-four, any sums of money not exceeding in the whole
the sum of Four Hundred Thousand Pounds: Provided that no
payments for any establishment or service be made in excess of the
rates voted for similar establishments or services on the Estimates
for the year ended the thirtieth day of June, one thousand eight
hundred and eighty-three, except so far as such rates are modified
by the "Civil Service Act, 1874."

Issue and application
of £400,000.

In the name and on behalf of Her Majesty, I hereby assent to
this Bill.

WILLIAM C. F. ROBINSON, Governor.



ANNO QUADRAGESIMO SEXTO ET QUADRAGESIMO
SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1883.

No. 291.

An Act to amend "The Customs Act, 1864."

[Assented to, November 22nd, 1883.]

WHEREAS it is desirable to amend "The Customs Act, 1864," Preamble.
with regard to drawbacks and other matters—Be it there-
fore Enacted by the Governor of the Province of South Australia,
with the advice and consent of the Legislative Council and House
of Assembly of the said province, in this present Parliament
assembled, as follows:

1. The hundred and eleventh section of "The Customs Act, 1864," Substitution of new
sec. 111 for present
sec. 111 of Customs
Act of 1864.
shall be, and the same is, hereby repealed, and in lieu thereof the
following shall be and may be cited as the one hundred and eleventh
section of "The Customs Act, 1864," that is to say:—

111. The person entitled to any drawback on any goods duly Declaration on
debenture.
exported, or his agent duly authorised in that behalf, shall
make and subscribe a declaration on the debenture that the
goods mentioned therein have been actually exported, and have
not been re-landed in, or re-introduced into, any part of the
said province, and that such person at the time of entry and
shipping was and continued to be entitled to the drawback
thereon, and the name of such person shall be stated in the
debenture which shall then be delivered to such person or his
agent.

2. The hundred and twelfth section of "The Customs Act, 1864," Substitution of new
sec. 112 for present
sec. 112 of Customs
Act of 1864.
shall be, and the same is, hereby repealed, and in lieu thereof the
following shall be, and may be cited as, the one hundred and twelfth
section of "The Customs Act, 1864," that is to say—

112. After

Customs Act Amendment Act.—1883.

Drawback to be paid on shipment outwards, subject to certain exceptions.

112. After the export of any goods for which any drawback is allowed, the drawback shall be payable, and the receipt of the person named in the debenture as the person entitled to the drawback, countersigned by the holder of such debenture, if the same shall have been transferred, shall be the discharge for such drawback when paid: Provided that no such debenture shall be paid after the expiration of two years from the date of the shipment of the goods, nor, in case of exportation for any Australasian colony by way of the river Murray, or over the boundary of the said province, until a certificate under the hand of the proper officer of Customs of the port or place at which the goods were landed or delivered that the goods had been so landed or delivered shall have been received, and shall have been verified by the person claiming such drawback, or until proof be given to the satisfaction of the Collector of the loss of such goods.

Substitution of new sec. 151 for present sec. 151 of Customs Act, 1864.

3. The one hundred and fifty-first (division the tenth) of "The Customs Act, 1864," shall be and the same is hereby repealed, and in lieu thereof the following shall be, and may be cited as, the one hundred and fifty-first section (division the tenth) of "The Customs Act, 1864," that is to say—

Regulations may be made relative to importation of goods across the boundary.

151. It shall be lawful for the Governor, with the advice of the Executive Council, to make regulations relative to the importation or exportation of goods across the boundary of the said province, and for the payment of drawbacks on goods exported over the boundary of the said province: Provided also, that such regulations shall be laid before Parliament, if sitting within one week of the making of such regulations, or if Parliament be not sitting, then within one week after the Parliament has commenced sitting.

Penalty on re-introducing by way of the river Murray goods whereon drawback has been allowed.

4. Any person who shall re-introduce into this province at any place on the banks of the river Murray, without payment of duty, any goods whereon drawback has been allowed on export from this province, shall be guilty of a misdemeanor, punishable by imprisonment, with or without hard labor, for a period not exceeding six months, or by a penalty not exceeding One Hundred Pounds, and the goods, and any goods packed therewith, shall be forfeited to Her Majesty.

Onus of proof.

5. On the hearing before Magistrates, or on the trial of any information under the preceding clause, the burden of proving that the goods mentioned in such information and introduced into this province at any place on the banks of the river Murray, were goods on which drawback had not been allowed as aforesaid, shall be on the defendant.

Time of landing goods.

6. The legal hours for unshipping and landing from any ship arriving from ports beyond the seas the goods referred to in the thirty-

Customs Act Amendment Act.—1883.

thirty-second section of "The Customs Act, 1864," shall be between eight in the morning and four in the afternoon on every day throughout the year not being a Sunday or a holiday, except on Saturdays, and on every Saturday throughout the year from eight in the morning till twelve o'clock noon.

7. This Act shall come into operation on a day to be fixed for that purpose by the Governor by Proclamation published in the *Government Gazette*. Commencement of Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WILLIAM C. F. ROBINSON, Governor.



ANNO QUADRAGESIMO SEXTO ET QUADRAGESIMO
SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1883-4.

No. 292.

An Act to provide for the Holding a Jubilee International
Exhibition of Works of Industry and Art.

[Assented to, February 28th, 1884.]

WHEREAS it is desirable to celebrate the Jubilee of the foun-
dation of the colony of South Australia by holding an Inter-
national Exhibition of works of industry and art at Adelaide, in
the year one thousand eight hundred and eighty-seven—Be it
therefore Enacted by the Governor of the Province of South Aus-
tralia, with the advice and consent of the Legislative Council and
House of Assembly of the said province, in this present Parliament
assembled, as follows:

Preamble.

1. This Act may be cited as "The Jubilee Exhibition Act, 1883." Short title.

2. In the year one thousand eight hundred and eighty-seven,
there shall be held, in Adelaide, a universal Exhibition of works
of industry and art, to be called "The Adelaide Jubilee Inter-
national Exhibition, 1887."

Exhibition to be
held in 1887.

3. The Governor may from time to time appoint such persons as
he may think fit to be Exhibition Commissioners, and may be their
President. The Governor shall be *ex officio* a member and President
of the Commission, and shall have power, from time to time, to appoint
others of such Commissioners to be Vice-Presidents, and, subject
to the provisions of this Act, such Commissioners shall carry out
and superintend the said Exhibition, and shall have exclusive control
of all matters connected with the same, until the thirty-first day of
December,

Governor may appoint
Exhibition Commis-
sioners.

The Jubilee Exhibition Act.—1883-4.

December, one thousand eight hundred and eighty-nine and for such extended time, not exceeding two years, as the Governor may by proclamation appoint.

Incorporation of
Commissioners.

4. Such Commissioners shall be a body politic and corporate by the name of "The Exhibition Commissioners," and by that name shall have succession until the purposes for which they shall have been appointed shall have been respectively carried out or ended, and all claims, demands, and suits by or against them in their corporate character shall have been satisfied and concluded, and shall have a common seal bearing their corporate name as aforesaid, and by the same name shall sue and be sued, plead and be impleaded, in all Courts and before Justices of the Peace.

Duties of
Commissioners.

5. Save so far as otherwise directed by the Governor, such Commissioners shall do all things necessary for providing, altering, and maintaining proper buildings and other accommodation for the said Exhibition, and for securing the most effective display of all articles received for the same: Provided that general plans and an estimate of the cost of the proposed building be first approved by the Governor and Parliament.

Power to appoint
committees.

6. The Commissioners may appoint an Executive Commissioner, Secretary, and other proper officers and servants, and may appoint and delegate any of their powers to executive and other committees, and may define the respective duties of such committees.

Commissioners may
make rules and regu-
lations.

7. The Commissioners, or a majority of them present, at any general meeting, shall have power, from time to time, to make, repeal, and alter such rules and regulations as they may think fit for the purpose of providing for—

- (1.) The conduct of their own proceedings:
- (2.) The due management of the affairs of the Exhibition and its several departments:
- (3.) The temporary admission or exclusion of the public, or any portion thereof, or any individual, to or from the Exhibition buildings or grounds, or any part thereof, and for the behaviour to be observed therein:
- (4.) The sums to be paid for such admission, and the manner in which all moneys received by the Commissioners shall be applied towards the objects and expenses of the said Exhibition: and
- (5.) The purposes of public instruction, enjoyment, and entertainment to which any of the buildings or grounds, or any part thereof, shall be applied.

And such rules and regulations may impose reasonable penalties for offences against the same, not exceeding Ten Pounds for each offence, with or without further penalties for continuing offences,
not

The Jubilee Exhibition Act.—1883-4.

not exceeding for any continuing offence One Pound for every day during which the offence continues; but all such rules and regulations as to penalties shall be so framed as to allow in every case part only of the maximum penalty being ordered to be paid: And all such rules shall be sealed with the seal of the Commissioners, and submitted to the Governor for approval, and when so approved shall be published in the *Government Gazette*, and shall be laid before Parliament within fourteen days after the framing thereof, if Parliament be then sitting, and, if Parliament be not then sitting, then within fourteen days after the beginning of the next Session of Parliament, and until such publication such rules and regulations shall have no force or effect.

8. Subject to the conditions contained in any regulations which may from time to time be made in that behalf by the Governor, and published in the *Government Gazette*, and on receiving a statutory declaration from any importer or exhibitor, or his agent, of the intention of the declarant to exhibit at the said Exhibition any articles specified in such declaration, the Collector of Customs may, by order under his hand, authorise the admission into this province by land or sea of any such articles so intended to be exhibited, and the buildings provided for the Exhibition, or any of them, may be declared and be bond and baggage warehouses, under the management of officers of Customs, and for exempting the importers whose goods are warehoused therein from the necessity of giving bond, shall be deemed bond and baggage warehouses, the property of the Crown, within the sixty-eighth section of the Customs Act, 1864.

Exhibits may be admitted free of duty.

9. No Building Act or regulations relating to the construction of buildings shall apply to any buildings to be constructed under the authority of the Commissioners for the purposes of the said Exhibition.

Building Acts not to apply to Exhibition buildings.

10. The exhibition of any new invention at the said Exhibition shall not, nor shall the publication, during the period of the holding of such Exhibition, of any description of such invention, nor shall the user of such invention, under the direction of the said Commissioners, prejudice the right of any person to register such invention, or invalidate any Letters Patent that may be granted for such invention.

Exhibition of new inventions not to prejudice patent rights.

11. The exhibition at the said Exhibition of any new design capable of being registered, or any article to which such design is applied, shall not, nor shall the publication, during the period of the holding of such Exhibition, of any description of such design, prejudice the right of any person to register provisionally or otherwise such design, or invalidate any provisional or other registration that may be granted for such design.

Exhibition of designs not to prejudice provisional registration.

12. From the date of the appointment of the Commissioners until

Commissioners to be trustees of lands required for Exhibi-

The Jubilee Exhibition Act.—1883-4.

tion and described in
Schedule.

until the thirty-first day of December, one thousand eight hundred and eighty-nine, or such extended time as may be appointed as aforesaid, the lands described in the Schedule hereto, with their appurtenances, shall be in the exclusive possession and control of the Commissioners, who shall have power to stop, enlarge, or alter all roads and ways over the premises, and shall use the premises for providing for the holding of the said Exhibition thereon, and performing the other duties entrusted to them as aforesaid, until the said thirty-first day of December, one thousand eight hundred and eighty-nine, or such extended time as may be appointed as aforesaid, and shall then yield up possession of the premises and the several parts thereof to the persons or bodies politic entitled thereto.

Penalty on false
representations as to
have obtained medals,
&c.

13. If any person commits any of the offences following, that is to say—

- . Falsely represents that he has obtained a medal or certificate from the Exhibition Commissioners in respect of any article or process for which a medal or certificate has been awarded by the Commissioners:
- II. Falsely represents (knowing such representation to be false) that any other person has obtained a medal or certificate from the Exhibition Commissioners:
- III. Falsely represents (knowing such representation to be false) that any article sold or exposed for sale has been made by, or by any process invented by, a person who has obtained in respect of such article or process a medal or certificate from the Exhibition Commissioners:

He shall incur the following penalties, that is to say—

- I. For the first offence he shall forfeit to Her Majesty a sum not exceeding Five Pounds:
- II. For any subsequent offence he shall forfeit to Her Majesty a sum not exceeding Twenty Pounds, or be imprisoned for a period not exceeding six months.

Summary jurisdic-
tion.

14. Every proceeding for offences under the last preceding section may be heard and determined in a summary manner under the provisions of Ordinance No. 6 of 1850, or of any Acts extending or amending the same, and all convictions and orders in respect of such offences may be enforced as therein provided. And it shall not be necessary in any such proceeding to prove that any person has sustained damage by reason of any representation made by the defendant or to set out any copy or fac-simile of any medal or certificate.

No proof of damage
necessary.

Saving of civil rights
and remedies.

15. No provision of this Act shall take away or prejudicially affect any suit, process, proceeding, right, or remedy which any person may be entitled to at law, in equity, or otherwise, nor exempt
or

The Jubilee Exhibition Act.—1883-4.

or excuse any person from answering or making discovery upon examination as a witness, or upon interrogatories or otherwise, in any suit or other civil proceeding: Provided always that no evidence, statement, or discovery which any person shall be required to give or make shall be admissible in evidence against such person in support of any information for a misdemeanor at common law or otherwise, or in any proceeding under the provisions of this Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WILLIAM C. F. ROBINSON, Governor.

SCHEDULE.

All that portion of the Government and corporation reserves, in the city of Adelaide, situate between the Torrens lake on the north, and North-terrace on the south, and Frome-road on the east, and King William-road on the west, which is included in the following description of its boundaries, that is to say :—Commencing at the north-west angle of the Government House domain; thence running north-easterly 145ft.; thence easterly 140ft.; thence east 210ft.; thence southerly 20ft.; thence easterly 345ft.; thence southerly in continuation of the eastern wall of the two-storied building of the Destitute Asylum, 680ft.; thence west 20ft.; thence south 135ft. to the footpaths of North-terrace; thence easterly 60ft.; thence northerly 200ft.; thence easterly 80ft.; thence southerly 200ft.; thence easterly 380ft. to the south-west corner of the University block; thence northerly 600ft. along the western boundary of the University block; thence easterly 180ft. along the north boundary of the University block; thence southerly 600ft. along the eastern boundary of the University block; thence easterly 813ft., the corner of Frome-road and North-terrace; thence north-westerly, on the western boundary of the Frome-road, 2,000ft., to the intersection of this line with the southern bank of the first creek; thence by the southern bank of the Torrens lake to the point where the bank intersects the corporation reserve in the north-east angle of the said Government reserve; thence south-easterly 40ft.; thence south-westerly 209ft.; thence north-westerly 40ft. to banks of the said lake; thence along the southern banks of the said lake to the north-eastern angle of the corporation reserve in the north-westerly angle of the Government reserve; thence southerly 133ft.; thence westerly 298ft., intersecting the eastern boundary of King William-road; thence southerly 815ft., along the eastern boundary of King William-road, to the point of commencement, and also all that portion of the plantation on North-terrace situated immediately south of the block of land hereinbefore described, and extending from the old institute on the west to the Frome-road on the east.



ANNO QUADRAGESIMO SEXTO ET QUADRAGESIMO
SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1883-4.

No. 293.

An Act to amend "The District Councils Act, 1876," and
"The District Councils Amendment Act, 1882."

[Assented to, February 28th, 1884].

WHEREAS it is desirable to amend "The District Councils Act, 1876," and "The District Councils Amendment Act, 1882"—Be it Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

Preamble.

1. This Act may be called "The District Councils Further Amendment Act, 1883."

Short Title.

2. Wherever, under "The District Councils Act, 1876," the Governor, with the advice of the Executive Council, shall, by Proclamation, have placed under the care, control, or management of any District Council any water or other reserve, or any land, so that the same has become vested in the District Council upon any trusts or under any conditions, and the District Council have exchanged or agreed to exchange such water or other reserves, or other land, or any part thereof, in accordance with the said Act, for lands to be taken in exchange, and wherever any District Council, in accordance with section 61 of the said Act, shall have purchased or accepted or agreed to purchase or accept any conveyance or assignment of any lands, tenements, or hereditaments for any purpose in the said section referred to, subject to any trust to be fulfilled by such District Council, and such District Council have, in accordance with the said Act, and before the passing of

Where District Council have conveyed, by way of exchange, lands subject to trust, they are exonerated from the trust if inapplicable to the lands taken in exchange.

The District Councils Further Amendment Act.—1883-4.

of this Act, exchanged or agreed to exchange such lands, tenements, and hereditaments, or any part thereof, for other lands, tenements, or hereditaments, then, in either of such cases, such water reserves, lands, tenements, or hereditaments so exchanged by the Council are hereby discharged and freed from the trusts and conditions on which the cases were vested in or held by the Council, and if the trusts and conditions are not, in the opinion of the Commissioner of Crown Lands, applicable to the premises taken in exchange, and cannot be fulfilled and observed by the District Council after such exchange, the District Council and the lands, tenements, and hereditaments so taken by them in exchange, shall, from the date thereof, be exonerated from the trusts and conditions affecting the premises so given in exchange.

Where District Council in future convey, by way of exchange, lands subject to a trust, the lands taken are to be subject to the like trust.

3. Wherever, after the passing of this Act, the Governor, under "The District Councils Act, 1876," with the advice of the Executive Council, shall, by Proclamation, place under the care, control, or management of any District Council any water or other reserve, or any land, so that the same shall become vested in the District Council upon any trusts, or under any conditions, and the District Council shall exchange such water reserves or other land in accordance with the said Act for lands to be taken in exchange, and whenever any District Council, in accordance with section 61 of the said Act shall purchase, or accept any conveyance or assignment of any lands, tenements, or hereditaments for any purpose in the said section referred to, subject to any trust to be fulfilled by the said District Council, and such District Council shall, in accordance with the said Act, exchange such lands, tenements and hereditaments, or any part thereof for other lands, tenements, or hereditaments, then, in either of such cases, the premises so given in exchange shall be conveyed or transferred, discharged of such trusts and conditions, and the premises so taken in exchange shall be conveyed or transferred to the District Council, subject to such trusts and conditions, and the same shall be expressed in the conveyance, and, in case of transfer under the Real Property Acts, by an independent instrument deposited in the Lands Titles Office, and the District Council shall thenceforth hold the premises subject to such trusts and conditions.

Where trust not applicable Commissioner may exonerate District Council therefrom.

4. Where the trusts and conditions are wholly or in part inapplicable to the premises taken in exchange as in the last preceding section mentioned, and are wholly or in part incapable of being fulfilled and observed by the District Council after the exchange, the Commissioner of Crown Lands may, by memorandum or endorsement upon the transfer or conveyance to the District Council of the premises taken in exchange, expressly discharge such premises from the trusts and conditions, and thereupon the premises and the District Council shall be discharged accordingly.

Agreement of exchange to state how far trusts are to affect lands proposed to be taken in exchange.

5. Every agreement made by a District Council after the passing of this Act for exchanging any such reserve or other land as aforesaid shall state, in addition to the particulars required by Schedule

C

The District Councils Further Amendment Act.—1883-4.

C of "The District Councils Act, 1876," whether, and to what extent, it is proposed to take the conveyance or transfer of the lands to be taken in exchange subject to the trusts and conditions upon which the reserve or other lands to be given in exchange have been held.

6. Notwithstanding anything contained in "The District Councils Act, 1876," it shall not be necessary for the councillors or auditors appointed under that Act to be resident within the district; but no person resident outside the boundaries of any district shall be elected without his written consent.

Councillors or auditors need not be residents.

7. The notice of the making of every assessment and of every alteration therein, required by section 4 of "The District Councils Amendment Act, 1882," to be given, may be in print or in writing, or partly in print and partly in writing, and this clause shall be retrospective: Provided always that any ratepayer may appeal against the assessment within twenty-one days from the passing of this Act in any case in which notice as aforesaid shall have been given in writing on any ground on which he had the right of appealing on receipt of such notice other than the irregularity of such notice.

Notices required by section 4 of Act 244 of 1882 may be wholly or in part written or printed.

Proviso.

8. Any person or persons appearing in the assessment book of any District Council as the owner or owners of any ratable property, shall remain and continue liable for all rates now or hereafter to become due in respect thereof, notwithstanding any sale, transfer, or conveyance thereof, unless and until he or they shall give notice in writing or print of such sale, transfer, or conveyance to the Clerk or Chairman of the District Council for the district in which such property is situate: Provided that nothing in this clause shall prejudice any other remedy for the recovery of such rates to which the Council are entitled under the laws now in force.

Liability of original owner unless notice of sale given.

9. Schedule L of "The District Councils Act, 1876," is hereby amended by striking out the words "ten days" and inserting the words "twenty-one days."

Amendment of Schedule L of District Councils Act, 1876.

10. The District Council may let to the owner or occupier of land on one or both sides of any unimproved district road, or allow such owner or occupier the use and occupation of the surface of such road, and the grass growing thereon, upon such terms as they may think fit, and may permit such road to be enclosed with other land by the erection of fences, with gates on hinges, across such road: Provided that no such letting or licence to use and occupy as aforesaid shall be for a longer period than twelve months at any one time, but such letting or licence may be renewed for a like or any less period as often as the Council may see fit, and may be determined at any time by giving to such owner or occupier three months' previous notice in writing of such determination: Provided also that, beyond the erection of such fences and gates as aforesaid, nothing herein contained shall entitle any such owner or occupier to prevent

District Council may let unimproved roads to adjoining owners.

Not exceeding twelve months.

May be determined at any time by three months' notice.

The District Councils Further Amendment Act.—1883-4.

Not to prevent free
use of road by the
public.

prevent the free use of such road by the public in all respects as if the same were unenclosed.

Destroying, &c.,
fences or gates.

11. Whoever shall wilfully or maliciously cut, break, level, pull up, unhinge, or in anywise remove, damage, or destroy any fence or gate, or any portion thereof, erected across any such road as in the last preceding section mentioned, shall, on conviction thereof before a Special Magistrate or two Justices of the Peace, for the first offence forfeit and pay over and above the amount of the injury done such sum of money not exceeding Five Pounds as to the said Special Magistrate or Justices shall seem meet: And whosoever having been convicted of any such offence shall afterwards commit any of the said offences in this section before mentioned shall be liable to be imprisoned for any term not exceeding six months with hard labor as the convicting Special Magistrate or Justices shall think fit.

Second offence.

Payments to Fire
Brigades Board.

12. Upon the establishment of any Local Fire Brigades Board under the "Fire Brigades Act, 1882," or any Act now or hereafter to be passed or passed contemporaneously with this Act, repealing or amending the said "Fire Brigades Act, 1882," the District Council shall, out of the funds of such Council, pay to the Fire Brigades Board in quarterly payments, on the first days of January, April, July, and October in each year, a sum of money, being one-sixth of the sum laid out by the Fire Brigades Board in respect of the objects of the said Acts within the limits of such District Council, but so that the total contribution for each year shall not exceed Five Hundred Pounds.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WILLIAM C. F. ROBINSON, Governor.



ANNO QUADRAGESIMO SEXTO ET QUADRAGESIMO
SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1883-4.

No. 294.

An Act to amend the "Strathalbyn and Middleton
Tramway Act, 1866," and for other purposes.

[Assented to, February 28th, 1884.]

WHEREAS it is desirable to afford facilities for locomotive traffic between Strathalbyn and Middleton—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows :

Preamble.

1. This Act may be called "The Strathalbyn and Victor Harbor Railway Act, 1883," and, so far as is consistent with the tenor thereof, shall be read as forming part of the "Strathalbyn and Middleton Tramway Act, 1866," hereinafter called "the principal Act," and of any Acts extending or amending the same.

Short title, and
amalgamation with
"Strathalbyn and
Middleton Tramway
Act, 1866."

2. It shall be lawful for the Commissioner of Railways to make and maintain, from Currency Creek to Goolwa, a line of railway suitable for light traffic with steam motors, to join the tramway from Strathalbyn at Currency Creek, together with all works and conveniences proper to be connected therewith, as the same is delineated in the plans deposited in the office of the Surveyor-General, at Adelaide, or as may be delineated in any plans which may hereafter be so deposited, pursuant to any law for the time being in force respecting the deposit of such plans so soon as the line of railway authorised by this section shall be opened for traffic, the existing line of tramway between Currency Creek and Middleton shall be closed and taken up.

Line of railway from
Currency Creek to
Goolwa.

3. It

The Strathalbyn and Victor Harbor Railway Act—1883-4.

Lands Clauses Act
Incorporation.

3. "The Lands Clauses Consolidation Act" shall be incorporated with and form part of this Act.

Line from Strathalbyn
to Currency Creek to
be made uniform with
line above authorised,
and steam motors or
locomotives to be run
on both.

4. It shall be lawful for the said Commissioner to make such alterations in the line from Strathalbyn to Currency Creek as may make the said line uniform with the new line hereby authorised from Currency Creek to Goolwa, and suitable for light traffic with steam motors, and thenceforth to use such steam motors or locomotives in place of other modes of traction as well upon the line from Strathalbyn to Currency Creek as from Currency Creek to Goolwa.

Line between Goolwa
and Port Victor to be
made fit for steam
motors or locomotives.

5. It shall be lawful for the said Commissioner to make such alterations in the tramway line between Goolwa and Port Victor as may render the said line suitable for traffic with steam motors, together with all works and conveniences proper for such a line, and thereupon to use such motors in place of other modes of traction.

"Mount Barker and
Strathalbyn Railway
Act, 1881," incor-
porated.

6. This Act, so far as is consistent with the tenor thereof, shall be read as part of the "Mount Barker and Strathalbyn Railway Act, 1881," and shall be incorporated therewith and with the Acts therewith incorporated, so far as applicable; and the Commissioner may demand the like tolls on the said line from Strathalbyn to Goolwa and Port Victor as are provided by the said "Mount Barker and Strathalbyn Railway Act, 1881."

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WILLIAM C. F. ROBINSON, Governor.



ANNO QUADRAGESIMO SEXTO ET QUADRAGESIMO
SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1883-4.

No. 295.

An Act to provide for the Custody of Infants.

[Assented to, February 28th, 1884.]

WHEREAS it is desirable to amend the law as to the custody of infants—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows: Preamble.

1. This Act may be cited as “The Infants Custody Act, 1883.” Short title.

2. From and after the passing of this Act, it shall be lawful for the Supreme Court, or the Local Court of Full Jurisdiction nearest to the residence of the petitioner, upon hearing the petition of the mother of any infant or infants, under sixteen years of age, to order that the petitioner shall have access to such infant or infants, at such times, on such terms, and subject to such regulations as the Court shall deem proper, or to order, on such terms, and subject to such regulations as the Court shall deem proper, that such infant or infants shall be delivered to the mother, and remain in or under her custody and control, or shall, if already in her custody or under her control, remain therein until such infant or infants shall attain such age, not exceeding sixteen, as the Court shall direct; and, further, to order that such custody and control shall be subject to such regulations as regards access by the father or guardian of such infant or infants as the Court shall deem proper. Supreme Court may order that mother may have access to or custody of infant under sixteen years.

3. Where any guardian, trustee, executor, curator, or person acting in a fiduciary capacity shall, under any will, gift, or settlement, Court may order trustees, &c., to pay maintenance to mother during period of custody.

The Infants Custody Act.—1883-4.

ment, or otherwise by law, be possessed of any fund for the maintenance and education of any infant, or any fund a portion of which may by law be applied to such maintenance and education, and the Court shall order the infant to be delivered to or to remain in the custody of the mother, it shall be lawful for the Court also to order such guardian, trustee, executor, curator, or person acting in a fiduciary capacity, to pay to the mother from time to time during the continuance of such custody, for the purpose of the maintenance and education of such infant, such portion of such fund, not exceeding the portion lawfully applicable to such maintenance and education, as the Court may deem proper: Provided always that on proof that any money so paid for the purpose of such maintenance and education has been misapplied, it shall be lawful for such Court to rescind, alter, or vary any order made as aforesaid.

The case of separation deed between father and mother.

4. No agreement contained in any separation deed made between the father and mother of an infant, or infants, shall be held to be invalid by reason only of its providing that the father of such infant, or infants, shall give up the custody or control thereof to the mother: Provided always that no such agreement shall be enforced if the Court shall be of opinion that it will not be for the benefit of the infant, or infants, to give effect thereto.

Saving of jurisdiction under Matrimonial Causes Act, 1867.

5. Nothing herein contained shall affect the exercise of any jurisdiction, power, or discretion vested in the Court, or any Judge thereof, under the "Matrimonial Causes Act, 1867," or any Acts which may be passed to extend or amend the same.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WILLIAM C. F. ROBINSON, Governor.



ANNO QUADRAGESIMO SEXTO ET QUADRAGESIMO
SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1883-4.

No. 296.

An Act to provide for the establishment and incorporation of the Public Library, Museum, and Art Gallery, and to consolidate and amend the Laws relating to Institutes, and for other purposes.

[Assented to, February 28th, 1884.]

WHEREAS it is desirable to provide for the establishment, Preamble.
incorporation, and government of the Public Library, Museum, and Art Gallery of South Australia, and to consolidate and amend the laws relating to Urban, Suburban, and Country Institutes, and for other purposes—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows :

1. This Act may be cited as the “Public Library, Museum, Short title.
and Art Gallery Act, 1883-4.”

2. This Act shall come into operation upon a day to be named Commencement.
by the Governor by Proclamation in the *Government Gazette*.

3. In the construction of and for the purposes of this Act, Interpretation.
unless the same would be inconsistent with the subject-matter or context, the words and expressions following shall have the respective meanings hereinafter assigned to them, that is to say—

“The Board” shall mean the Board of Governors of the Public Library, Museum, and Art Gallery of South Australia:

“The Minister Controlling Education” shall include such other Minister as the Governor may appoint: “Institute”

Public Library, Museum, and Art Gallery Act.—1883-4.

“Institute” or “Institutes” shall include all urban, suburban, and country institutes (except the South Australian Institute) now existing or hereafter established.

Division of Act.

4. This Act shall be divided into four parts, namely—

PART I.—The Board of Governors of the Public Library, Museum, and Art Gallery of South Australia; its Constitution and Powers:

PART II.—The Urban, Suburban, and Country Institutes; their Establishment, Powers, and Government:

PART III.—The Adelaide Circulating Library; its Establishment and Government:

PART IV.—Miscellaneous.

PART I.

PART I.

THE BOARD OF GOVERNORS OF THE PUBLIC LIBRARY, MUSEUM, AND ART GALLERY OF SOUTH AUSTRALIA; ITS CONSTITUTION AND POWERS.

Incorporation of Board.

5. For the purposes of this Act there is hereby constituted a Board, to be called the “Board of Governors of the Public Library, Museum, and Art Gallery of South Australia,” of whom five shall form a quorum, and who shall be a body corporate with perpetual succession and a common seal, and shall by the same name sue and be sued, plead and be impleaded, in all Courts and places whatsoever, with power to prove in all competent Courts and compound for all debts due to them.

Board of Governors of South Australian Institute to hold office till Board appointed.

6. Until the first appointment and election of the Board, the Board of Governors of the South Australian Institute, as constituted at the time of the coming into operation of this Act, shall be the Board within the meaning of this Act; but, upon such appointment and election being completed and notified by the Governor in the *Government Gazette*, shall be dissolved.

Constitution of Board.

7. The Board of Governors of the Public Library, Museum, and Art Gallery of South Australia shall consist of sixteen members, of whom—

- i. The Governor shall appoint eight members:
- ii. The South Australian Society of Arts shall elect one member, who shall be a member of the said society:
- iii. The University of Adelaide shall elect two members, who shall be members of the said University:
- iv. The Royal Society of South Australia shall elect one member, who shall be a member of the said society:

v. The

*Public Library, Museum, and Art Gallery Act.—1883-4.***PART I.**

- v. The Adelaide Circulating Library, as hereinafter established, shall elect one member, who shall be a member of the said library:

- vi. The Institutes shall elect three members :

No Institute shall be entitled to take part in the election of a member or members of the Board unless such Institute shall possess at least twenty members who shall have paid their subscriptions for the twelve months preceding the election. The elections of members of the Board by the several bodies of persons or societies mentioned in this section shall take place and be conducted in the manner prescribed by the rules and regulations contained in the First Schedule hereto, or such other rules and regulations as may from time to time be made in addition to, or in substitution for, or in amendment of, those rules and regulations; and the expressions "Board" and "Board of Governors" used in the "South Australian Institute Act Amendment Act, 1879," and in any statutes or regulations made thereunder shall refer to the Board constituted by this Act. Upon the appointment and election of members of the Board, and thereafter in the month of November in each year, the Governor shall cause to be published in the *Government Gazette* a list [of the members of the Board, which *Gazette* shall be *prima facie* evidence that the persons named therein are the members of the Board as therein specified.

8. After the first appointment and election of the members of the Board a meeting shall be held, at which the Board shall determine by lot the order in which the names of the members appointed by the Governor shall be entered upon a roll kept for that purpose. The Board shall in like manner at its first meeting which shall happen after every subsequent appointment of a member or members by the Governor, determine, if more than one member be appointed, the order in which the names of such members shall be entered on the said roll next after the names previously on the said roll, or, if one member only be appointed, shall place his name last on the said roll; and on the first day of October in every year the three members whose names shall be first upon such roll shall vacate their seats, and three members shall be appointed by the Governor in place of such members: Provided, however, that the members vacating their seats shall be eligible for re-appointment.

Order of retirement of members appointed by the Governor.

9. The first appointment by the Governor of members of the Board, and the first elections of members of the Board by the several bodies of persons or societies mentioned in section 7 of this Act, shall be made and take place respectively within one calendar month from the coming into operation of this Act; and thereafter, in the month of October in every year, the Governor and the several bodies of persons or societies mentioned in section 7 of this Act shall appoint and elect members of the Board, and every appointed or elected member of the Board shall hold office until the election or appointment of his successor, and shall then retire, but shall be eligible for re-election.

Election of members of the Board.

10. All

*Public Library, Museum, and Art Gallery Act.—1883-4.***PART I.**

All members to be on same footing.

10. All the members of the Board, whether appointed or elected, shall have and exercise the same rights, privileges and powers, and be under and subject to the same liabilities.

Casual vacancy how filled.

11. The Governor may appoint a member of the Board upon any casual vacancy occurring through the death, resignation, or removal of any member of the Board appointed by him, and any casual vacancy caused by the death or resignation of any member of the Board elected by any of the several bodies of persons or societies mentioned in section 7 of this Act, may be filled by the election of a person by the body of persons or society who shall have elected the member so dying or resigning. Any member of the Board elected under this section shall hold office for the same period as the member so dying or resigning would have held office had no such vacancy occurred. Every appointment or election under this section shall be notified by the Governor in the *Government Gazette*, and such *Gazette* shall be *prima facie* evidence of the appointment or election so notified.

On failure to elect, the Governor may appoint.

12. If the University of Adelaide, the Royal Society of South Australia, the Adelaide Circulating Library, or the Institutes, or any of them, shall fail or neglect to exercise their right of election given by this Act, the Governor may appoint a member or members of the Board, who shall hold office for the same period and in all respects as if he or they had been elected by the body of persons or society so making default. The provisions of this section shall also apply to any casual vacancy caused by the death or resignation of any elected member of the Board.

Board may exercise powers notwithstanding vacancy.

13. All the powers conferred by this Act upon the Board may be exercised by the members of the Board for the time being actually in office, notwithstanding any vacancy in the Board.

Lands to be under control of the Board.

Power to take, &c., sell &c., certain lands.

14. The parcels of land described in the Second Schedule hereto, together with all buildings thereon, and any other lands or buildings which the Governor, by Proclamation published in the *Government Gazette*, may so direct, shall be under the care, control, and management of the Board. The Board shall, with the consent of the Governor, have power and be capable in law to take, purchase, and hold lands, tenements, and hereditaments of all kinds, whatsoever and wheresoever situate, and shall, with the like consent, have power and be capable in law to sell, exchange, grant, demise, let, or otherwise dispose of the same or any part thereof. The Board may permit any society having for its object the encouragement of Literature or the Arts and Sciences, or any person desirous of encouraging the like objects, to use any part of the land or buildings under their control, for such period and upon such terms as the Board may think proper.

Vesting in Board of personal property.

15. All the goods and chattels already acquired by or for the use of the National Gallery of South Australia, or the South Australian

*Public Library, Museum, and Art Gallery Act.—1883-4.***PART I**

Australian Institute, or the Board of Governors thereof, together with the books, boxes, and other things used for circulation among the Institutes, shall be vested in the Board; and all gifts and bequests now or hereafter made to the National Gallery of South Australia, the Art Gallery, or the South Australian Institute, or the Board of Governors thereof, shall be deemed gifts and bequests to the Board by this Act constituted. The Board is hereby empowered to receive, take, or purchase any pictures or other works of art, objects of natural history, mineral specimens, exhibits, coins, medals, curiosities, books, maps, manuscripts, documents, pamphlets, or papers, or other goods or chattels whatsoever; and to sell, exchange, or otherwise dispose of the same or any of them; but no picture or other work of art shall be sold, exchanged, or otherwise disposed of without the consent of the Governor.

16. The Board shall have power from time to time to make, repeal, alter, and re-enact rules and regulations for the following purposes—

Power to make rules, &c.

- i. For the conduct of their own proceedings:
- ii. For the due management of the affairs of the Public Library, Museum, and Art Gallery in their several departments:
- iii. For the admission, exclusion, or expulsion of the public or any individual to and from the Public Library, Museum, and Art Gallery, or any part thereof:
- iv. For specifying the conditions and restrictions upon and subject to which the public may be allowed—
 - (a.) To read books or manuscripts, or make copies of or extracts therefrom:
 - (b.) To inspect the pictures, works of art, and exhibits in the Art Gallery and Museum, and make drawings or copies thereof:
 - (c.) To obtain instruction in the different schools of industry and art:
 and for fixing the amount of the fees payable for such instruction, and the manner of the appropriation thereof:
- v. For the most effectual use of the pictures, exhibits, coins, medals, mineral specimens, curiosities, objects of natural history, works of art, books, maps, manuscripts, documents, pamphlets, or papers, for the purposes of public education and enjoyment:
- vi. For prescribing the conditions and method upon and by which the advantages heretofore extended by the South Australian Institute to Institutes may be continued:
- vii. For fixing penalties for any breach of any rule or regulation authorised to be made by this Act, not exceeding the sum of Ten Pounds for any one offence:
- viii. For such other purposes as the Governor by Proclamation in the *Government Gazette* may allow:

ix. Generally

PART I.**IX. Generally for carrying into effect the objects of this Act:**

And all such rules and regulations shall be in writing, and, the common seal of the Board having been affixed thereto, copies thereof shall be laid before both Houses of Parliament not later than one month from the making thereof, if throughout such month Parliament shall be in Session, and if Parliament shall not be in Session throughout such month, then within one month after the commencement of the next Session thereof; and, if or so far as not disallowed by express resolution of either House of Parliament, within one month after being so laid before both Houses of Parliament, such rules and regulations, after the expiration of such last-mentioned month, shall be forthwith published in the *Government Gazette*, and shall thereupon be valid and have the force of law; and the production of the *Government Gazette* containing such publication shall be conclusive evidence of the tenor and validity of such rules and regulations.

Annual report and audit.

17. The Board shall, on or before the thirtieth day of September in each year, report its proceedings during the twelve months ending on the thirtieth day of June to the Governor, and a copy of such report shall be laid each year before Parliament. The accounts of the Board shall be annually audited by the Commissioners of Audit, who may exercise in that behalf the powers conferred upon them by "The Audit Act, 1882," and an abstract of such accounts shall be annually laid upon the table of the House of Assembly of the said province.

PART II.**PART II.****THE URBAN, SUBURBAN, AND COUNTRY INSTITUTES, THEIR ESTABLISHMENT, POWERS, AND GOVERNMENT.**

Definition of Urban, Suburban, and Country Institutes.

18. All Institutes now or hereafter established, except the South Australian Institute, shall be deemed to be, for the purposes of this Act, Urban, Suburban, or Country Institutes. All moneys held by the Board of Governors of the South Australian Institute, at the date of the coming into operation of this Act, for the benefit of Institutes, and all moneys hereafter voted by the Parliament of South Australia for the support and maintenance of Institutes, shall, unless otherwise provided by the said Parliament, be distributed and applied by the Board for the benefit of Institutes, and the Adelaide Circulating Library, in such manner as the Minister Controlling Education shall direct.

Membership.

19. All persons of respectable character above the age of fifteen shall be competent to become members of an Institute on payment of the subscription and entrance fee, and no person shall be elected or admitted a member of any such Institute by ballot, nor shall any such person be rejected from membership by such means, but the committee of any such Institute may refuse to admit any unfit

*Public Library, Museum, and Art Gallery Act.—1883-4.***PART II.**

unfit person as a member: Provided, that any person so refused shall have a right of appeal against such refusal to a general meeting of the members of the Institute, who may reverse such refusal.

20. The person in whom the real estate of any Institute shall hereafter become vested as trustee shall, within three calendar months from the vesting of such real estate, make out and deliver to the Minister Controlling Education a return containing the particulars set forth in the form in the Third Schedule hereto; and the person in whom the real estate of any Institute shall from time to time remain vested, shall make out and deliver in like manner a similar return in the month of January in each year; and every person in whom such real estate shall be so vested, who shall not make out and deliver, or cause to be made out and delivered, the return aforesaid within the times aforesaid, or shall make out and deliver a false return, shall, for every day that such return shall not have been so made out and delivered, forfeit and pay a penalty of not more than Five Pounds, nor less than Two Pounds; and shall, for making out such false return, forfeit and pay a penalty of not more than Fifty Pounds, nor less than Five Pounds.

Institutes to furnish returns.

21. Unless the returns mentioned in the last preceding section shall be duly furnished, every Institute, the trustee of which shall make default, shall be disqualified and debarred from receiving any grant of moneys, or any part of any grant of moneys, voted by the Parliament of South Australia, to which respectively, but for this Act, such Institute might have been or become entitled.

Institutes, the trustees whereof shall not furnish returns to be disentitled to grant.

22. No person or body politic or corporate having, before the passing of this Act, any legal or equitable mortgage, encumbrance, or lien of any sort upon or over the real estate of any Institute, shall sell such real estate or any part thereof, or foreclose any such mortgage or encumbrance, or enforce such lien, without first giving to the Minister Controlling Education three calendar months' notice in writing, setting forth the nature of the mortgage, encumbrance, or lien, the intention to sell, foreclose, or enforce, as the case may be, and the amount of principal and interest claimed to be due on the date of such notice.

Mortgagees and encumbrances of Institute realty not to sell or foreclose till after three months' notice to Minister Controlling Education.

23. Where the Minister Controlling Education shall have received a notice in writing of the intention to sell, foreclose, or enforce a lien against the real estate of any Institute as aforesaid, he may, in his discretion, discharge the claim, or any part thereof, out of any public moneys or any special grant to which such Institute may be entitled.

Minister Controlling Education may pay off encumbrance.

24. In case the Minister Controlling Education shall not exercise the power by the last preceding section vested in him within the said period of three months, the person or body politic or corporate giving the notice aforesaid may, at the expiration of the said period of three months, sell or foreclose, as if this Act had not been passed.

Mortgagees may sell, &c., if Minister Controlling Education does not redeem.

25. It

PART II.

Prohibition against
any dealing with In-
stitute real estate
without consent of
the Minister Control-
ling Education.

25. It shall not be lawful for any person in whom the real estate of any Institute shall be vested as the trustee thereof, nor for any incorporated Institute, to sell, lease, aliene, mortgage, or encumber in any manner whatsoever, any real estate whereof any such trustee or incorporated Institute may be seized or possessed, without the consent in writing of the Minister Controlling Education indorsed upon every conveyance, or other instrument whereby such dealing is effected; and every such conveyance or other instrument made or executed without such consent in writing as aforesaid, shall be absolutely void.

Prohibition against
incorporation.

26. From and after the passing of this Act no Institute, nor any members or officers thereof, nor any other person, shall be authorised, empowered, or able to incorporate any such Institute under any statute or law now in force in the said province.

Appointment of
trustees.

27. The members of an Institute may from time to time, at a general meeting of such members duly convened by public notice of the object of such meeting, appoint or elect proper persons to be trustees of any such Institute; and such trustees, accepting the office, shall continue to be trustees for such period, and with such powers and duties as may be prescribed by any rules or regulations which for the time being may regulate the affairs of such Institute.

Effects of Institutes
to be vested in the
trustees for the time
being, who may bring
and defend actions, &c.

28. All real and personal property, including choses in action, and all documents evidencing title thereto belonging to any Institute, shall be vested in the trustees of such Institute for the time being, for the use and benefit of such Institute, and after the death, resignation, or removal of any trustee, shall, from and after the filing of the memorial in the next section mentioned, vest in the succeeding trustee, for the same estate and interest as the former trustee had therein, and subject to the same trusts, without any assignment or conveyance whatever, and shall also, for all purposes of action or suit, as well criminal as civil, in law or in equity, in anywise touching or concerning the same, be deemed the property of the person or persons appointed to the office of trustee of such Institute for the time being, in his or their proper names, without further description, and he or they shall bring or defend any action, suit, or prosecution, criminal as well as civil, in law or in equity, touching or concerning the property, right, or claim aforesaid of such Institute, and may in all such cases sue and be sued, plead and be impleaded, in his or their proper names, as the trustees of the said Institute, without other description; and no such suit, action, or prosecution shall be discontinued or abate by the death of any such trustee, or his resignation or removal from the office of trustee, but the same may be proceeded in by the continuing or succeeding trustee, in the proper names of the person or persons commencing the same, any law, usage, or custom to the contrary notwithstanding; and such succeeding trustee shall receive or pay the like costs as if the action or suit had been commenced in his name, for the benefit of, or to be reimbursed from, the funds of such Institute.

29. A

Public Library, Museum, and Art Gallery Act.—1883-4.

PART II.

Memorials of name of trustee to be recorded on oath in Supreme Court.

29. A memorial of the name of the person in whom the real or personal estate of any Institute shall be vested as trustee thereof, in the form or to the effect for that purpose set forth in the Fourth Schedule hereto, signed by the trustee of such Institute and verified on oath before a Justice of the Peace for the said province, or a Commissioner for taking affidavits in the Supreme Court of the said province, shall be recorded in the Supreme Court within thirty days after the election or appointment of such trustee; and when and as often as any trustee of such Institute shall be newly-elected or appointed, a memorial of the name of such newly-elected or appointed trustee, in the same form or to the same effect as the above-mentioned memorial, signed by such newly-elected or appointed trustee, as the case may be, and by the continuing trustees of such Institute, and verified as aforesaid, shall in like manner be recorded in the said Supreme Court within thirty days next after such trustee shall be so elected or appointed; and the said memorial may be recorded after thirty days on payment of a fine of Ten Shillings, and after six months on payment of a fine of Five Pounds.

30. Until a memorial of the name of the trustee for the time being be recorded in the manner hereinbefore directed, no action, suit, or other proceeding shall be brought by any Institute, or by the trustee thereof, under the authority of this Act.

Until such record made no action to be brought.

31. Every Institute shall, at such time and in such form and manner, and to such person, as shall be from time to time appointed by the Minister Controlling Education, furnish all such just and true accounts, reports, statistical tables, and statements as shall be required to elucidate the state and proceedings of such Institute, and the manner in which the purposes of such Institute and the provisions of this Act have been carried into effect.

Institute to furnish accounts and reports when required by Government.

32. Every Institute which fails (either by default of its officers or otherwise) to comply with the provisions of this Act, or any of them, shall not be entitled to participate in any general grant or to receive any special grant of moneys which may be made by the Parliament of the said province until such Institute shall have complied with the provisions aforesaid.

Institutes not complying with this Act not to be entitled to grant until compliance.

33. No rules or regulations hereafter to be made, or alterations of existing rules hereafter made by any Institute, or by the members thereof, shall have any force or effect until after the same shall have been approved by the Governor, and a notification of such approval has appeared in the *Government Gazette*.

Institute rules to be of no effect until approved by the Governor.

34. No Institute shall be dissolved, nor shall its property be alienated or disposed of, unless with the consent of three-fourths of such of the members as shall be present at a public meeting, which shall be convened by notice signed by not less than one-sixth of the existing members, and published one month before the day

Dissolution of Institute, and disposal of property.

PART II.

day of meeting in the following manner, viz.:—By posting the same in some conspicuous place in the reading-room or library of the Institute, by forwarding a copy to the Board, and by advertisement in the *Government Gazette*; nor shall the property be alienated, nor the funds arising from its sale be disposed of, except to such institutions connected with education as the members so assembled shall think fit and the said Board shall approve of; neither shall any dividend, gift, division, or bonus in money be made unto or between any of the members of such Institute. The said Board shall also be entitled to the possession of the property, and to become trustees thereof in case of any Institute falling into decay, or the property being endangered or dispersed, by reason of non-subscription by the members or otherwise.

PART III.**PART III.**

**THE ADELAIDE CIRCULATING LIBRARY; ITS
ESTABLISHMENT AND GOVERNMENT.**

Adelaide Circulating
Library.

35. From and after the coming into operation of this Act the South Australian Institute, as heretofore constituted, shall cease to exist, but in lieu thereof there shall be a library, under the name of the Adelaide Circulating Library, to which Library the Board shall transfer such of the books, maps, manuscripts, documents, pamphlets, and papers heretofore belonging to the South Australian Institute, as the Board may deem suitable for the purposes of a Circulating Library. The Board shall, from time to time, assign to the said Circulating Library such rooms in the buildings under their control as the Board may think fit. The said Circulating Library shall participate in the annual grant of moneys voted by Parliament for the Institutes, to such extent as the Minister Controlling Education may direct.

Adelaide Circulating
Library made a body
corporate.

36. The subscribers to the said Circulating Library shall be a body corporate in deed, name, and law, by the name of the Adelaide Circulating Library, and by the same name shall have perpetual succession and a common seal, and may sue and be sued, implead or be impleaded, in all Courts and before Justices, and shall be subject to the rules in the Fifth Schedule hereto, or other the rules for the time being in force in respect thereof.

Subscribers to Ade-
laide Circulating
Library to be mem-
bers thereof.

37. Persons subscribing, as provided by the rules in the said Fifth Schedule hereto, to the said Adelaide Circulating Library shall be members thereof: Provided that no person shall be allowed to vote as such member at any meeting held in pursuance of this Act unless he shall have been a subscriber, and shall have paid his subscription, for the six months next preceding the time of such meeting; and all persons who shall be at the time of the coming into operation of this Act subscribers to the Library of the South Australian Institute shall be subscribers to the Adelaide Circulating Library to the same extent and for the like period as if the sub-
scriptions

Public Library, Museum, and Art Gallery Act.—1883-4.

scriptions paid by them had been paid to the Adelaide Circulating Library instead of to the Library of the South Australian Institute. All subscriptions which shall be due from the subscribers to the Library of the South Australian Institute at the date on which this Act shall come into operation shall be paid to and may be recovered by the Committee of the Adelaide Circulating Library.

PART III.

38. It shall be lawful for the subscribers to the Adelaide Circulating Library, within one calendar month after this Act shall come into operation, at a special meeting called for that purpose, and thereafter at the annual general meeting in every succeeding year, to elect from among themselves five persons to be the Committee of the Adelaide Circulating Library, of whom three shall form a quorum, and the persons so elected shall retain office until the appointment of their successors. Until the first appointment of the Committee of the Adelaide Circulating Library the Board shall be the Committee of such Library.

Subscribers to library
to elect Committee.

39. Any casual vacancy caused by the death or resignation of any member of the Committee may be filled by the election of a member of the Committee by the subscribers, in the manner prescribed by section 43 of this Act, and such member shall hold office for the like period as the person so dying or resigning would have done had no such vacancy occurred.

Casual vacancy in
Committee, how filled

40. The Committee of the Adelaide Circulating Library may appoint a secretary, librarian, and such other officers as may seem proper, and the salaries of such officers, together with all moneys disbursed by the Committee in the purchase of books and the general expenses of the corporation, shall be paid out of the subscriptions received from subscribers, and such moneys as may be appropriated for the purposes of the Adelaide Circulating Library by the Board.

Committee may
appoint officers.

41. A general meeting of the Adelaide Circulating Library shall be holden annually, in the month of October, on such day and at such hour and place as shall from time to time be fixed by the Committee, by giving seven days' notice in any two newspapers published in Adelaide, such general meeting to consist of not less than ten subscribers exclusive of any members of the said Committee; and if a sufficient number of subscribers to form a meeting be not present within an hour of the time fixed for such meeting, the said Committee, or the chairman of the meeting, may adjourn the said meeting for such period not exceeding one calendar month from the date of such meeting, and unto such place as they or he may appoint, and thereafter in like manner until a quorum be obtained. At such general meeting the time and place for the election of the Committee for the ensuing year shall be fixed, a report of the proceedings during the preceding year shall be laid before the meeting, the necessary steps shall be taken to elect a member of the Board, and all matters connected with the affairs of the said Adelaide Circulating Library may be discussed. The said Committee may at any time, upon giving seven days'

Annual general
meeting.

Public Library, Museum, and Art Gallery Act.—1883-4.

PART III.

days' notice in any two newspapers published in Adelaide, convene a meeting of the subscribers to the said Library for the purpose of taking the necessary steps to elect a member of the Board.

Special meetings.

42. The said Committee may and, on the requisition of any two of the Committee or of any thirty of the subscribers, shall, by giving fourteen days' notice in any two newspapers published in Adelaide, and affixing a legible copy of such notice in a conspicuous place in the building occupied by the said Adelaide Circulating Library, convene a special general meeting thereof for the purpose of considering any matters connected therewith that may be set forth in such requisition.

Election of members of Committee.

43. The election of members of the Committee shall be by ballot, and shall be held at a place and on a day to be fixed at any general or special meeting, or any adjournment thereof, of the members of the Adelaide Circulating Library. On the taking of such ballot, the secretary of the said Library, or such other officer as may be appointed by the Committee for that purpose, shall act as returning officer, and shall have the general management and control of the election. Such ballot shall be open on the day fixed for election from eleven o'clock in the morning until eight o'clock in the evening. No person shall be eligible as a member of the said Committee who shall not have given to the secretary of the said Library, or other officer appointed for that purpose by the Committee, ten days' notice of his intention to offer himself as a candidate for election. The result of such election shall be certified to the Committee by the said secretary, or such other officer as may be appointed by the Committee for that purpose.

All money payments to be by cheque.

44. All sums of money received by the Adelaide Circulating Library shall be paid to their credit at such bank in Adelaide as the Committee may direct to the credit of the said Library, and all moneys above the sum of Two Pounds shall be paid by cheque, signed by two members of the said Committee and countersigned by the secretary or other officer appointed by the Committee for such purpose.

Power of making rules, and altering the rules in the Fifth Schedule.

45. The said Committee may, from time to time, make rules for the Adelaide Circulating Library, in addition to, or in substitution for, or in amendment or alteration of, the rules contained in the Fifth Schedule hereto, or in addition to, or in substitution for, or in amendment or alteration of, any rules made under this power. In respect of all such additional or substituted rules, alterations, or amendments, the provisions hereinbefore contained, with respect to laying before Parliament and publishing in the *Government Gazette*, shall likewise apply.

PART IV.**PART IV.****MISCELLANEOUS.****Copyright Act, 1878.**

46. In the construction and for the purposes of the "Copyright Act,

Public Library, Museum, and Art Gallery Act.—1883-4.

Act, 1878," the expression, "South Australian Institute," wherever used, shall be taken to mean the Public Library, under the control of the Board, and the expression "Board of Governors," or "Board of Governors of the said Institute," shall be taken to mean the Board.

PART IV.

47. All fines or penalties for offences against this Act, or any rule or regulation made hereunder, may be recovered in a summary way under the provisions of the Ordinance No. 6 of 1850, before any two Justices of the Peace, and all convictions and orders may be enforced as provided by the said Ordinance, or, at the option of the Board, any such fines and penalties may be recovered by the Board, or by any person authorised by the Board, as a debt due to the Board or to such authorised person in any Court of Law. Recovery of penalties

48. There shall be an appeal from any order or conviction of any Special Magistrate or Justices under this Act, or from any order dismissing any information or for the payment of costs or otherwise, which appeal shall be to the Local Court of Adelaide of Full Jurisdiction only, and the proceedings on such appeal shall be conducted in a manner appointed by the said Ordinance No. 6 of 1850, and any Acts extending or amending the same, for appeals to Local Courts; but such Local Court of Adelaide aforesaid may make such order as to the payment of the costs of appeal as it shall think fit, although such costs may exceed Ten Pounds. Appeal.

49. Informations may be laid for any offence against this Act, or any rule or regulation made hereunder, at the instance of any person. Who may lay information.

50. One moiety of every fine or penalty recovered for any offence against this Act or any rule or regulation made hereunder shall be paid to the complainant or informant. One moiety of penalties to be paid to the complainant.

51. The Act, No. 19 of 1863, intituled "An Act to consolidate and amend the Laws relating to the South Australian Institute"; sections 1 and 5 of the Act, No. 151 of 1879, intituled "An Act to amend the Laws relating to the South Australian Institute, and for other purposes"; and "The Suburban and Country Institutes Act, 1874," are hereby repealed: Provided that such repeal shall not affect the validity of any rules or regulations heretofore made by any Institute under the provisions of "The Suburban and Country Institutes Act, 1874," or of anything done or suffered, or commenced to be done or suffered, under the said Acts, or any of them, nor condone or affect any offences committed or penalties incurred thereunder. Repeal.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WILLIAM C. F. ROBINSON, Governor.

SCHEDULES

SCHEDULES REFERRED TO.

THE FIRST SCHEDULE.

Rules and Regulations for the Election of Members of the Board.

ELECTION BY THE UNIVERSITY OF ADELAIDE.

s. 7.

1. The members of the Board to be elected by the University of Adelaide shall be elected in manner prescribed by the "South Australian Institute Act Amendment Act, 1879," and the statutes and regulations made, or to be hereafter made, thereunder, for the election by the University of Adelaide of members of the Board of Governors of the South Australian Institute; and the expressions "Board" and "Board of Governors" used in that Act, and in the statutes and regulations made thereunder, shall refer to the Board of Governors of the Public Library, Museum, and Art Gallery of South Australia. The result of every such election shall be certified to the Governor under the hand of the Chancellor or Vice-Chancellor of the University, whose certificate shall be conclusive as to the validity of such election.

ELECTION BY THE SOUTH AUSTRALIAN SOCIETY OF ARTS.

1. The member of the Board to be elected by the South Australian Society of Arts shall be elected by the said society in accordance with such regulations as may be made in that behalf by the said society, and until such regulations shall be made, in accordance with the regulations now in force for the election of a member of the Board of Governors of the South Australian Institute by the said society, and the result of such election shall be certified to the Governor, under the hand of the President of the Society, whose certificate shall be conclusive.

ELECTION BY THE ROYAL SOCIETY OF SOUTH AUSTRALIA.

1. The member of the Board to be elected by the Royal Society of South Australia shall be elected by the said society in accordance with such regulations as may be made in that behalf by the said society, and until such regulations shall be made, in accordance with the regulations now in force for the election of a member of the Board of Governors of the South Australian Institute by the said society, and the result of such election shall be certified to the Governor, under the hand of the President of the Society, whose certificate shall be conclusive.

ELECTION BY THE ADELAIDE CIRCULATING LIBRARY.

1. The member of the Board to be elected by the Adelaide Circulating Library shall be elected by the subscribers thereto at a general or special meeting called for that purpose, or at any adjournment thereof.

2. At such meeting it shall be competent for any subscriber to propose a candidate for membership of the Board, provided that such candidate is a subscriber to the Circulating Library, and that his written consent to act as a member of the Board, if elected, is produced to the meeting.

3. If one candidate only is proposed, he shall be declared by the chairman of the meeting to be duly elected by the Adelaide Circulating Library as a member of the Board.

4. If more than one candidate is proposed, the meeting shall fix a time (not more than five days from such meeting), and a place within the City of Adelaide, at which a poll shall be taken of the subscribers to the Circulating Library.

5. On the day fixed for the poll, some person appointed by the meeting for that purpose shall attend at the polling-place, from the hour of 11 o'clock in the forenoon to the hour of 8 o'clock in the evening, and act as Returning Officer.

6. On the taking of the poll the proposer or seconder of any candidate may act as a scrutineer on behalf of the candidate whom he has proposed or seconded, and any candidate may appoint a person to act for him as scrutineer.

7. The voting on the taking of the poll shall be by voting papers prepared by the Returning Officer for that purpose, and delivered to him on the polling day within the hours aforesaid, or sent through the post and actually received by him prior to the hour of 8 o'clock in the evening of the polling day, and the Returning Officer shall accept the votes only of such persons as appear by the List of Subscribers to the Circulating Library to be subscribers, and who are entitled to vote at meetings

Public Library, Museum, and Art Gallery Act.—1883-4.

meetings of the Circulating Library. Every subscriber shall be entitled to one vote and no more.

8. All the details and arrangements for the taking of the poll, and the method of taking and recording the votes shall be prescribed and made by the Returning Officer.

9. At the close of the poll, or so soon thereafter as conveniently may be, the voting papers shall be counted by the Returning Officer in the presence of the scrutineers if they desire to attend, and the candidate for whom the greatest number of votes has been recorded, shall be declared by the Returning Officer to be the member of the Board elected by the Adelaide Circulating Library.

10. The Returning Officer shall enter in the minute book of the Circulating Library the names of the candidates at every election, and the number of votes recorded for each of them, with the result of such election.

11. The result of every election by the Adelaide Circulating Library of a member of the Board shall be certified to the Governor, under the seal of the Circulating Library, and such certificate shall be conclusive as to the result and the validity of such election.

12. These Rules shall also apply to the election by the Adelaide Circulating Library of a member of the Board to fill a casual vacancy.

ELECTION BY THE INSTITUTES.

1. In the month of October in each year each Institute entitled to take part in the election of members of the Board shall hold a meeting, according to the regulations for the time being of such Institute for the holding of meetings, for the purpose of exercising the right of election given to the Institutes by this Act.

2. At such meeting, or at any adjournment thereof, the subscribers shall select three persons for whom such Institute votes as members of the Board to be elected by the Institutes; and the Secretary of such Institute shall, on or before the 24th day of the month of October, transmit to the Secretary of the Board a return containing the names of the three persons so selected, and, if from any cause whatever, the return of any Institute shall not be received by the Secretary of the Board by the 25th day of October, such Institute shall be deemed to have failed to have exercised its right to vote at the election of members of the Board.

3. On or before the 31st day of October in each year the Board shall meet and examine the returns of the Institutes, furnished under the second paragraph hereof, and shall declare the three persons who shall obtain the largest number of votes respectively to be duly elected by the Institutes as members of the Board; but in case of an equal number of votes being given for two or more candidates, the Board shall determine which of such candidates is or are elected, and shall declare him or them to be a member or members of the Board.

4. The Board shall forthwith certify to the Governor the names of the three persons elected members of the Board by the Institutes, and the certificate of the Board shall be conclusive evidence of the validity of the election of the members of the Board named therein.

5. All the provisions of these rules and regulations shall apply to the first election of members of the Board by the Institutes as if the name of the month immediately succeeding the coming into operation of this Act was inserted herein instead of the month of October; and the provisions of these rules and regulations shall also apply to the election of any member of the Board by the Institutes to fill a casual vacancy, but the Board shall, in that case, fix the time within which any casual vacancy shall be filled, and shall appoint the days on or before which the Institutes entitled to take part in the election shall exercise their right of selection, and the time within which the returns of such selection shall be transmitted to the Secretary of the Board, and the election certified by the Board to the Governor.

GENERAL PROVISIONS.

1. The Board may from time to time make rules and regulations in addition to, or in substitution for, or in amendment or alteration of, the rules and regulations contained in this Schedule; and all such rules and regulations shall be in writing, and the provisions hereinbefore contained, with respect to laying before Parliament and publishing in the *Government Gazette*, shall apply to all such rules and regulations.

Public Library, Museum, and Art Gallery Act.—1883-4.

THE SECOND SCHEDULE.

Land and Buildings under the care, control, and management of the Board.

s. 14.

All that piece or parcel of land situated on the north side of the street or road within the City of Adelaide known as North-terrace, the boundaries whereof are as follows, viz. :—Commencing at the south-east corner at a point on the northern side of North-terrace, City of Adelaide, 100 links west of the south-west corner of University block; thence northerly by a line 100 links west of, and parallel to, the western boundary of said University block for 348 links; thence westerly at an angle of 89° 47' for 901 links; thence southerly at an angle of 90° 40' for 340 links to the northern side of North-terrace; thence easterly along said side of terrace for 898 links to the point of commencement, together with all buildings now or hereafter erected on the said piece of land.

THE THIRD SCHEDULE.

Public Library, Museum, and Art Gallery Act, 1883.

s. 20.

Name of Institute.	Locality.	Description of real estate, stating number or distinguishing mark of allotment, acre, or section, and name of county and hundred or town where situated; also area.	Description of buildings thereon.	Names, addresses, descriptions, and occupations of the trustees as defined by this Act.	Encumbrance. [State nature of encumbrance, and the amount thereof; or if none, state the fact.]

Dated the day of 18
(Signature of Chairman of Trustees.)

THE FOURTH SCHEDULE.

Memorial of the names of Trustee [or Trustees, as the case may be] of the Institute, pursuant to the Public Library, Museum, and Art Gallery Act, 1883.

s. 29.

Names of Trustee or Trustees, as the case may be.	Address.	Occupation.

(Signatures of Trustees.)

..... A. B. }
 C. D. } Trustee (or Trustees, as
 E. F. } the case may be)
 G. H. }

L. M. maketh oath and saith that he was present and did see the foregoing memorial signed by the above-named Trustee [or Trustees respectively, as the case may be] whose names appear thereto. L. M.

Sworn this day of 18 ,
before me,

[J.P., or a Commissioner, &c.]

THE

THE FIFTH SCHEDULE.

Rules of the Adelaide Circulating Library.

Persons shall be allowed to become subscribers to the Adelaide Circulating Library, subject to the following regulations :—

- i. Any person desiring to subscribe to the said library shall previously insert his name and full address, with particulars of his occupation, in a book to be kept for the purpose; and shall also (if required) deposit with the secretary a certificate, signed by two householders of respectability, to the effect that the person so desiring to subscribe is known to them, and is a fit person to be allowed so to do; and every such person shall pay an entrance fee of Two Shillings and Sixpence, and thereafter an annual subscription of Twenty Shillings, payable in advance, or a quarterly subscription of Five Shillings, also payable in advance, or such other sum as the Committee may from time to time determine. s. 45
- II. When any person desires as aforesaid to subscribe to the Adelaide Circulating Library, the secretary, or other officer appointed for the purpose, may, if he see fit, refuse to receive such subscription until the next meeting of the Committee, who shall be and are hereby empowered, at their discretion, either to receive or to refuse such subscription.
- III. The Committee may, if they see fit, at any time expel any subscriber guilty of misconduct.
- IV. Subscribers to the library shall be allowed to take out one or more volumes of a single work, or of two separate works, at one time, for a fixed period, as specified in such book or books: provided that persons so taking out books shall, if required by the librarian, or other officer appointed for the purpose, deposit a sum not exceeding the value of the work or works so taken out, to ensure their return, or to be forfeited if such work is not returned; and provided also, that if the period fixed for the retention of any book so taken out be exceeded, the librarian may, if he see fit, give notice thereof in writing to the subscriber so retaining such book, and such subscriber shall thereafter be subject to a fine of Twopence per day for every day that he retains such book after the delivery of such notice. The librarian may, in his discretion, refuse to issue any book to any subscriber who, or any of whose family or household, he may have reason to believe to be suffering or recovering from any infectious or contagious disorder.
- v. Any subscriber lending a book belonging to the Adelaide Circulating Library to any non-subscriber, not being a member of such subscriber's household, shall render himself liable to expulsion.
- VI. Any subscriber defacing or losing any book, the property of the Adelaide Circulating Library, shall be required to pay for a new copy of the same; and if the book so defaced or lost be one volume of a set, and it be found impossible to replace the said volume, such subscriber shall replace the whole work; but in either case the said subscriber shall be entitled to the injured volume or work so soon as it is so replaced.
- VII. Books shall not be issued to any subscriber in an imperfect condition, unless a memorandum be made in any such book stating the nature and extent of such imperfection; but, in the event of any book being so issued, or of its receiving damage while in the custody of any subscriber, he shall, on returning such book, call the attention of the librarian to any injury it may have sustained; and any subscriber failing to do so shall be held responsible for any such injury.
- VIII. Any annual subscriber shall be entitled, on payment of double subscription, to take out not more than four books at one time, and to retain such books so taken out for twice the number of days notified therein, unless any such book shall have been added to the library within the preceding twelve months, in which case the ordinary number of days only shall be allowed.
- IX. All entries by the librarian, secretary, or other person appointed or authorised in that behalf, made in the issue book of the library, relating to the loan of

Public Library, Museum, and Art Gallery Act.—1883-4.

of any book to any subscriber, shall be good and sufficient *prima facie* evidence that the book mentioned in any such entry was lent at the time and to the person mentioned in such entry; and if, within one month from the time at which such book ought to have been returned by such subscriber, there shall be no entry made in the issue book of such return, such subscriber shall be conclusively deemed to have lost or kept such book.

- x. If any subscriber shall carelessly or negligently permit or suffer any book belonging to the library to be sold or disposed of when in his possession or custody, he shall forfeit therefor the sum of not less than One Pound nor more than Five Pounds.
- xI. In the event of any subscriber making special application in writing for the use of several works, for the purpose of study, the secretary shall have power to grant the same for a period not exceeding fourteen days.
- xII. The Committee may, if they see fit, once in every year call in all books in circulation, and suspend the issue of books, for a period not exceeding twenty-one days, and during that period close the library.
- xIII. The library shall (subject to Rule xII.) be open to subscribers on every day in the year (except Sundays and public holidays) from the hour of eleven in the morning until eight in the afternoon, or during such hours as the Committee may from time to time appoint.
- xIV. All fines and penalties to which, under the foregoing Rules in this Schedule contained any person may be subject, may be recovered by the Committee as a debt due to the Adelaide Circulating Library in any Court of Law.



ANNO QUADRAGESIMO SEXTO ET QUADRAGESIMO
SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1883-4.

No. 297.

An Act to provide Funds to the amount of One Million
Six Hundred and Fifty-one Thousand Three
Hundred. Pounds, for various Public Works,
and for other purposes.

[Assented to, February 28th, 1884.]

WHEREAS it is necessary to provide funds by loan for various public purposes—Be it Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the Province of South Australia, in this present Parliament assembled, as follows:

Preamble.

1. It shall be lawful for the Treasurer for the time being of the said province, from time to time, to issue and sell bonds for a sum not exceeding in the whole One Million Six Hundred and Fifty-one Thousand Three Hundred Pounds, for such amounts as he may deem expedient, and such bonds shall be in the form following, that is to say—

Treasurer may issue Bonds.

South Australian Government Revenue Securities.

Form of Bond.

No. [Royal Arms.] No.

(Authorised by Act of Parliament, No. of 1883-4.)

£

£

I, the Treasurer of the Province of South Australia,
in consideration of the sum of

Pounds,

The Public Purposes Loan Act.—1883-4.

Pounds, paid to me for public purposes, do hereby bind myself, to pay to the holder for the time being of this present obligation the sum of
Pounds, and interest thereon at the rate of
per centum per annum; such interest to be payable on the first day of April and the first day of October in every year, and the principal to be paid on the first day of , in the year
one thousand nine hundred and
Sealed with my seal. Dated the day of
one thousand eight hundred and

Signed, sealed, and delivered in }
the presence of }

(Bond transferable by delivery.)

And the principal and interest shall be payable at the Treasury in Adelaide, or in London at the office of the South Australian Government—the place of payment being declared at time of such sale and duly notified on the bonds.

Interest not to exceed
four per cent.

When payable.

Application of
moneys.

Redemption of bonds.

Salaries to be sub-
mitted to Parliament.

2. The said bonds shall bear interest at a rate not exceeding Four Pounds per centum per annum; and the interest and principal upon such bonds shall be paid to the holder thereof at such place and at such time as may be specified or provided therein: Provided that the principal shall not be payable or paid before the expiration of thirty years, and the time appointed for payment thereof shall not extend beyond fifty years from the time of the issue of the said bonds.

3. All sums of money raised and received by the Treasurer upon the security of the said bonds shall be carried by him to separate and distinct accounts, and shall be applied to the several purposes set forth in the Schedule hereto, and to the extent therein set forth; and shall be so applied by the Treasurer in such amounts and manner as the Governor, by any warrant under his hand, countersigned by the Chief Secretary, may from time to time authorise and direct.

4. The Treasurer shall, and he is hereby required, in each and every half-year from the first raising of any sums of money under authority hereof, until the whole amount so raised, and all interest thereon, shall have been duly paid, to set apart such sum as shall suffice to pay the amount of bonds redeemable during the ensuing half-year, together with interest upon all bonds which shall then bear interest; and shall apply such sum in payment of such bonds and interest aforesaid, in manner specified in such bonds.

5. So much of the moneys [raised under this Act as may be required for salaries of officers for the said public works hereby authorised to be constructed, shall be annually submitted to Parliament.

6. The

The Public Purposes Loan Act.—1883-4.

6. The Governor may, from time to time, by warrant under his hand, countersigned by the Chief Secretary, authorise the Treasurer to advance and to pay to the proper Responsible Minister of the Crown, for the purposes of this Act, any sums of money not exceeding in the whole sum hereby authorised to be raised; and any sums of money so advanced and paid shall be retained by the Treasurer out of any moneys raised by him under the authority hereof. Advances.

7. The Treasurer shall, on or before the thirtieth day of September in each year, cause an account in abstract to be prepared of the whole receipts and of the expenditure of all moneys advanced to him for the purposes of this Act for the year preceding, under the several distinct heads of receipt and expenditure, with a statement of the balance of such account duly audited and certified by the Auditor-General, and a copy of such account shall be forthwith published in the *Government Gazette*. Returns.

8. This Act may be cited as “The Public Purposes Loan Act, 1883-4.” Short title.

· In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WILLIAM C. F. ROBINSON, Governor.

SCHEDULE.

Railways—	£	s.	d.	£	s.	d.
Hergott Springs to Strangways Springs . . .	603,800	0	0			
Palmerston to Pine Creek	959,300	0	0			
Strathalbyn, Goolwa, and Victor Harbor— and extension of line from Currency Creek to Goolwa	31,200	0	0			
				1,594,300	0	0
Jetty—						
Port Darwin, Northern Territory				57,000	0	0
				£1,651,300	0	0



ANNO QUADRAGESIMO SEXTO ET QUADRAGESIMO
SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1883-4.

No. 298.

An Act to amend the Law with regard to the Duties of
Justices of the Peace.

[*Assented to, February 28th, 1884.*]

WHEREAS it is expedient to amend the law relating to the duties of Justices of the Peace, and to make further and better provision for its administration in certain cases—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

Preamble.

1. This Act may be cited as "The Justices Procedure Amendment Act, 1883-4," and shall come into operation on a day to be fixed by the Governor by Proclamation in the *Government Gazette*. This Act shall be divided into three parts, that is to say—

Short title, commencement and division into parts.

PART I.—Indictable Offences and Procedure therein :

PART II.—Summary Jurisdiction by Justices and the Procedure thereunder :

PART III.—Mode of obtaining the Opinion of the Supreme Court on Questions of Law which arise in the exercise of Summary Jurisdiction by Justices of the Peace :

PART IV.—Amendments on Appeals from convictions and orders of Justices of the Peace.

2. In this Act, if not inconsistent with the context, the following expressions

Interpretation.

The Justices Procedure Amendment Act.—1883-4.

expressions shall have the meanings hereinafter respectively assigned to them—

The expression “future Act” shall mean any Act passed on or after the commencement of this Act:

The expression “The Summary Jurisdiction Act, 1850,” shall mean an Act No. 6 of 1850, intituled “An Act to facilitate the performance of the Duties of Justices of the Peace out of Sessions with respect to summary convictions and orders”:

The expression “Local Court” shall mean any Local Court heretofore established, or hereafter to be appointed under or by virtue of any Act now in force, or hereafter to be passed, regulating the establishment and jurisdiction of Local Courts:

The words “Justice” or “Justices” in this Act shall mean one or more Justices of the Peace, and shall include the Police Magistrate of the city of Adelaide, and any Stipendiary or Special Magistrate:

This Act shall, so far as is consistent with the tenor thereof, be construed as one with “The Summary Jurisdiction Act, 1850.”

PART I.**PART I.****INDICTABLE OFFENCES AND PROCEDURE THEREIN.**

Accused person to be asked by Justices if he desires to give evidence on his own behalf, or to make any statement, or to call witnesses.

3. In all cases where any person shall appear before any Justice, charged with any indictable offence wheresoever committed, and whether such person appear voluntarily or upon summons or has been apprehended with or without warrant, or be in custody for the same or any other offence, such Justice, immediately after the examination of all the witnesses on the part of the prosecution has been completed, shall say to such accused person these words, or words to the like effect:

“Having heard the evidence for the prosecution, do you wish to be sworn and give evidence on your own behalf, or do you desire to say anything in answer to the charge? You are not obliged to be sworn and give evidence, nor are you required to say anything, unless you desire to do so; but whatever evidence you give upon oath, or anything you say, will be taken down in writing, and may be given in evidence against you upon your trial:”

And after the accused person has given evidence on his own behalf, or made any statement in answer to the charge, or has refused to be sworn and give evidence, or has declined to make any statement, the Justice, before he shall commit such accused person for trial or admit him to bail, shall demand and require of the accused person whether he desires to call any witness, and if the accused person shall, in answer to such demand

*The Justices Procedure Amendment Act.—1883-4.***PART I.**

demand, call or desire to call any witness or witnesses, such Justice shall, in the presence of such accused person, take the statements, on oath or affirmation, made in examination, cross-examination, and re-examination of those who shall be so called as witnesses by such accused person, and who shall know anything relating to the facts and circumstances of the case, or anything tending to prove the innocence of such accused person, and shall put the same in writing; and such depositions of such witnesses shall be read over to, and signed by, the witnesses who shall have been so examined, and shall be signed also by the Justice taking the same, and transmitted in due course of law with the depositions; and such witnesses, not being merely witnesses to the character of the accused, as shall, in the opinion of the Justice, give evidence in any way material to the case, or tending to prove the guilt or innocence of the accused person, shall be bound by recognizance to appear and give evidence at the said trial; and afterwards, upon the trial of such accused person, all the laws now in force relating to the depositions of witnesses for the prosecution shall extend and be applicable to the depositions of witnesses hereby directed to be taken.

4. All the provisions of the Act 15 of 1849, relating to the summoning and enforcing the attendance and committal of witnesses, and binding them by recognizance and committal in default, and for giving the accused person copies of the examinations, shall be read and shall have operation as part of this Act.

Provisions of No. 15 of 1849 to apply to this Act.

5. Any Judge of the Court before which any person shall be prosecuted or tried, or for trial before which he may be committed or bailed to appear for any felony, misdemeanor, or other indictable offence, is hereby authorised and empowered in his discretion, at the request of any person who shall appear before such Court on recognizance to give evidence on behalf of the person accused, to certify that such witness so appearing ought to be paid his expenses, and in that case the amount to be paid to such witness shall be the same as if he had been a witness for the prosecution, and shall be ascertained in like manner, and shall be defrayed out of any moneys provided by Parliament for allowances to witnesses.

If witnesses for accused bound by recognizance appear at the trial, Court may allow expenses.

6. Where any witness who has been called and examined before the Justices by and on behalf of a person committed for trial, or held to bail, happens to die before the trial, if the person on trial so require, the deposition of such witness may be read in evidence to the jury in the defence of such person.

Depositions of prisoner's witness dying before trial.

7. Where any person is charged before a Justice of the Peace with felony, or with any indictable misdemeanor, and in the opinion of such Justice the charge was *bonâ fide* made upon reasonable and probable cause, such Justice may in his discretion, at the request of the prosecutor, grant a certificate of the expenses and of the amount to be allowed for the trouble and loss of time to the witnesses

Power of examining Magistrates to grant certificates of expenses to witnesses in cases where no committal for trial takes place.

*The Justices Procedure Amendment Act.—1883-4.***PART I.**

witnesses so appearing and examined on such charge of felony or misdemeanor, notwithstanding the parties may not be bound over by recognizance to prosecute and give evidence, and although no committal for trial may take place: Provided, that any certificate so granted as aforesaid shall be subject to the regulations for the time being in force with regard to certificates granted by examining Magistrates under "The Criminal Law Consolidation Act, 1876," and shall be payable in manner directed by section 3 of the Act No. 166 of 1880.

Power to take depositions of persons dangerously ill and not likely to recover, and to make the same evidence after death.

Schedule No. 1.**Schedule No. 2.**

Provision for prisoner being present at taking of deposition.

Schedule No. 3.

8. Whenever it shall be made to appear to the satisfaction of any Justice that any person dangerously ill, and, in the opinion of some legally qualified medical practitioner, not likely to recover from such illness, is able and willing to give material information relating to any indictable offence, or relating to any person accused of any such offence, and it shall not be practicable for any Justice or Justices to take an examination or deposition in accordance with the provisions of the Act No. 15 of 1849 of the person so being ill, it shall be lawful for the said Justice to take in writing the statement on oath or affirmation of such person so being ill, and such Justice shall thereupon subscribe the same, and shall add thereto by way of caption a statement of his reason for taking the same, and of the day and place when and where the same was taken, and of the names of the persons (if any) present at the taking thereof, and, if the same shall relate to any indictable offence for which any accused person is already committed or bailed to appear for trial, shall transmit the same with the said addition to the officer to whom depositions are by law required to be transmitted, and who is hereby required to preserve the same; and if afterwards, upon the trial of any offender or offenders to which the same may relate, the person who made the statement shall be proved to be dead, or if it shall be proved that there is no reasonable probability that such person will ever be able to travel or to give evidence, it shall be lawful to read such statement in evidence, either for or against the accused, without further proof thereof, if the same purports to be signed by the Justice by or before whom it purports to be taken: And provided it be proved to the satisfaction of the Court that reasonable notice of the intention to take such statement has been served upon the person (whether prosecutor or accused) against whom it is proposed to be read in evidence, and that such person, or his counsel or attorney, had, or might have had, if he had chosen to be present, full opportunity of cross-examining the person who made the same.

9. Whenever any prisoner in actual custody shall have caused to be served, or shall have received, notice of an intention to take such statement as hereinbefore mentioned, the Judge or Justice before whom the prisoner was committed, or a Visiting Justice of the gaol or prison in which he is confined, may, by an order in writing, direct the gaoler having the custody of the prisoner to convey him to the place mentioned in the said notice, for the purpose of being present at the taking of the statement; and such gaoler shall convey

*The Justices Procedure Amendment Act.—1883-4.***PART I.**

convey the prisoner accordingly, and the expenses of such conveyance shall be paid out of the funds applicable to the other expenses of the gaol or prison from which the prisoner shall have been conveyed.

10. When any person accused of an indictable offence shall have been admitted to bail by any Court, Judge, Justice of the Peace, or person having authority in that behalf, and any person shall give information on oath to a Justice of the Peace of any facts which raise a probable presumption that it is the intention of such accused person not to surrender himself in accordance with the condition of the recognizance of bail entered into by him or on his behalf, such or any other Justice of the Peace may issue a warrant for the apprehension of such accused person, and may commit him to gaol, to be there safely kept, notwithstanding his having been admitted to bail as aforesaid, until he shall be thence delivered by due course of law.

Persons admitted to bail and suspected of an intention to abscond may be arrested.

Schedules Nos. 4, 5, 6.

11. The authority conferred upon any Justice of the Peace by section 12 of the Act No. 15 of 1849, to remand a person accused of any indictable offence for a period not exceeding eight clear days, is hereby extended to fifteen clear days.

Extension of time in cases where accused person is remanded.

12. The provisions of "The Minor Offences Act, 1869," shall apply to and include the offence of obtaining money or goods by false pretences to the value of Five Pounds.

Minor Offences Act applicable to offence of obtaining money, &c., by false pretences.

13. (1.) Where a child under the age of fourteen years who has not been before convicted or sent to a Reformatory School, is charged before two or more Justices of the Peace with any indictable offence other than homicide, the Justices, if they think it expedient so to do, and if the parent or guardian of the child so charged, when informed by the Justices of his right to have the child tried by a jury, does not object to the child being dealt with summarily, may deal summarily with the offence, and inflict the same description of punishment as might have been inflicted had the case been tried on indictment: Provided that—

Summary trial of children for indictable offences, unless objected to by parent or guardian.

- (a) Where a sentence of imprisonment is awarded it shall be without hard labor, and the term of such imprisonment shall not in any case exceed two months:
- (b) Where a fine is awarded the amount shall not in any case exceed Forty Shillings: and
- (c) Where the child is a male the Justices may, either in addition to or instead of any other punishment, adjudge the child to be, as soon as practicable, privately whipped with not more than ten strokes of a birch rod by a constable in the presence of an inspector, or other officer of police of higher rank than a constable, and also in the presence, if he desires to be present, of the parent or guardian of the child.

- (2.) For the purpose of a proceeding under this section, the provisions

*The Justices Procedure Amendment Act.—1883-4.***PART I.**

provisions of "The Minor Offences Act, 1869," shall be adopted, so far as the same are applicable thereto, and the Justices may, if they think it desirable, make a statement for the information of such parent or guardian of the meaning of the case being dealt with summarily, and of the Court at which the child will be tried if tried by a jury.

(3.) Where the parent or guardian of a child is not present when the child is charged with an indictable offence, the Justices may, if they think it just so to do, remand the child for the purpose of causing notice to be served on such parent or guardian with a view, so far as practicable, of securing his attendance at the hearing of the charge, or the Justices may, if they think it expedient so to do, deal with the case summarily.

(4.) This section shall not prejudice the right of the Justices to send a child to a reformatory or industrial school.

(5.) This section shall not render punishable for an offence any child who is not, in the opinion of the Justices before whom he is charged, above the age of seven years, and of sufficient capacity to commit crime.

Meaning of the word guardian in relation to child.

14. The expression "guardian" in relation to a child includes any person who, in the opinion of the Court having cognizance of any case in which a child is concerned, has for the time being the charge of or control over such child.

Incorporation with Act 15 of 1849.

15. The first part of this Act shall, so far as it is consistent with the same, be incorporated with the Act No. 15 of 1849, intituled "An Act to facilitate the performance of the Duties of Justices of the Peace out of Sessions with respect to persons charged with indictable offences."

PART II.**PART II.****SUMMARY JURISDICTION BY JUSTICES AND THE PROCEDURE THEREUNDER.**

Summary Jurisdiction of Justice.

16. Any one or more Justices of the Peace sitting in open Court and forming a Court for the purpose of hearing and adjudicating upon cases which he or they have power to determine in a summary manner shall have the powers and perform the duties hereinafter following: Provided that in any case where by law two or more Justices of the Peace are required to hear and determine the offence or matter of complaint one Justice of the Peace may, if both parties to the proceeding consent in writing, hear and determine the same.

Appointment of clerk of Courts of Summary Jurisdiction.

17. The clerk of every Local Court shall be *ex officio* a clerk of any Court sitting as aforesaid in the township or place where such clerk resides; and in places where there is no Local Court established, or where it is inexpedient for the clerk of the Local Court to perform the duties of clerk of such one or more Justices

The Justices Procedure Amendment Act.—1883-4.

Justices as aforesaid, the Governor may appoint a clerk who shall attend to and discharge the duties of his office at the place for which he is appointed.

PART II.

18. If any such clerk shall take, accept, or receive from any person any fee, gratuity, or reward not allowed by law, or greater in amount than is so allowed, he shall, on conviction thereof, forfeit for every such offence the sum of Five Pounds.

Penalty for extortion.

19. If any person wilfully misbehave himself at any Court where one or more Justices of the Peace shall be sitting as aforesaid, or wilfully interrupt the proceedings of any such Court, or, in the opinion of any Justice or Justices, be guilty of wilful prevarication in giving evidence to such Court, he shall, on conviction thereof, forfeit any sum not exceeding Five Pounds, and in default of payment may be imprisoned for any period not exceeding seven days, or such person may be imprisoned for any period not exceeding seven days, and may be forthwith convicted on view by and before the Justice or Justices in whose presence the offence is committed.

Punishment for contempt.

Schedule No. 7.

20. Where any person is convicted under the last preceding section of wilful misbehaviour or wilful interruption, if, before the rising of the Court, he make to the convicting Justice or Justices such an apology for such misbehaviour or interruption as by such Justice or Justices, in his or their uncontrolled discretion, shall be deemed satisfactory, such Justice or Justices, if he or they think fit, may remit such penalty or imprisonment either wholly or in part.

Apology may be accepted and punishment commuted.

21. If, upon the hearing before any one or more Justices sitting as aforesaid of any information, complaint, or application, the defendant shall, before any evidence is given in support of such information, complaint, or application, make it appear to such Justice or Justices, either by the admission of the informant, complainant, or applicant, or by the oath of a credible witness, that there is a proper place at which the Court may be holden more easy of access than the place where such Court is then sitting, not only from the place of abode of such defendant or person, but also from the place where the subject-matter of such information, complaint, or application arose, then and in that case such Court may desist from further proceeding with the hearing of such information, complaint, or application.

Summary proceedings to be had at nearest Court.

22. Whenever any such objection as lastly hereinbefore mentioned shall be established to the satisfaction of a Justice or Justices so sitting as aforesaid, and the person making such objection shall at once complain to such Court that he has been brought to the place where such Court is held vexatiously and oppressively, such Court shall forthwith, and without any further summons or notice, proceed to hear and determine the matter in a summary way; and if the Court shall be of opinion that such is the fact, the informant, complainant, or applicant shall be subject and liable to pay to the person

Compensation may be awarded in vexatious cases.

*The Justices Procedure Amendment Act.—1883-4.***PART II.**

person making such objection, by way of compensation or amends, such sum not exceeding Five Pounds as shall be assessed by such Court, and in default of payment the sum so awarded may be enforced by imprisonment for any period not exceeding seven days..

Clerk may, in certain cases, postpone hearing of summons.

23. If, on the return of any summons, or of any adjournment of the hearing, or at the time to which the same may be postponed, there be not present any Justice or a sufficient number of Justices legally competent to hear and determine the subject-matter of such summons, as the case may be, any one Justice or the clerk, if there be a clerk, shall, at the request of the informant or complainant, postpone the hearing until the next day on which a Justice or Justices, as the case may be, will attend at the place mentioned in such summons; and every such postponement shall be made by delivering to the informant or complainant and defendant, or such of them as may be present, a memorandum in the form mentioned in the Eighth Schedule hereto; and every witness to whom a copy of such memorandum is delivered shall be under the like obligation to attend at the time and place therein mentioned, and shall be subject to the same obligations and liabilities as if such memorandum were a summons issued by a Justice requiring such person to attend as a witness, and testify what he knows concerning the matter of the information or complaint.

Schedule No. 8.

Witnesses to attend at the time to which hearing adjourned.

Justices may adjudicate upon adverse claims to goods seized under warrant of distress.

24. If any claim be made to or in respect of any goods or chattels distrained under the warrant of any Justice, or in respect of the proceeds or value thereof by any person not being the party against whom such warrant was issued, any Justice, upon complaint of the constable charged with the execution of such warrant (as well before as after any action brought against such constable), may issue a summons contained in the form in the Ninth Schedule hereto, directed as well to the party obtaining such warrant as to the party making such claim; and thereupon any action which has been brought in respect of such claim shall be stayed, and the Court in which such action has been brought, or any Judge thereof, or if the action has been brought in a Local Court, the Special Magistrate thereof, on proof of the service of such summons, and that the goods and chattels were so distrained, may order the party bringing such action to pay the costs of all proceedings had in such action after the service of such summons; and any two or more Justices shall adjudicate on such claim, and make an order in the form or to the effect contained in the Tenth Schedule hereto, and every such order shall, subject to the provisions contained in the Third Part of this Act, be final and conclusive upon all parties.

Schedule No. 9.

Schedule No. 10.

Mitigation of punishment.

25. Subject as in this Act mentioned, and notwithstanding any enactment to the contrary, where one or more Justices have authority under this Act, or under any other Act, whether past or future, to order imprisonment, or impose a fine, for an offence punishable on summary conviction, such Justice or Justices may, in

*The Justices Procedure Amendment Act.—1883-4.***PART II.**

in the case of imprisonment, impose the same with or without hard labor, and may reduce the prescribed period thereof; and in the case of a fine, if it be imposed in respect of a first offence, may reduce the prescribed amount thereof. And where, in the case either of imprisonment or a fine, there is prescribed a requirement for the offender to enter into his recognizance, and to find sureties for keeping the peace, and observing some other conditions, or to do any of such things, such Justice or Justices may dispense with any such requirement, or any part thereof. And where such Justice or Justices have authority under an Act of Parliament other than this Act, whether past or future, to impose imprisonment for an offence punishable on summary conviction, and have not authority to impose a fine for that offence, he, or they, when adjudicating on that offence, may, notwithstanding, if it appears that the justice of the case will be better met by a fine than by imprisonment, impose a fine not exceeding Twenty-five Pounds, and not being of such an amount as will subject the offender, under the provisions of this Act, in default of payment of the fine, to any greater term of imprisonment than that to which he is liable under the Act authorising the said imprisonment.

26. Any Justice or Justices, by whose conviction or order any sum is adjudged to be paid, may do all or any of the following things, viz. —

Payment by instalments of, or security taken for payment of money.

- I. Allow time for the payment of the said sum:
- II. Direct payment to be made of the said sum by instalments:
- III. Direct that the person liable to pay the said sum shall be at liberty to give security for the payment thereof:

Where a sum is directed to be paid by instalments, such instalments shall be paid to the clerk, if there be a clerk, and otherwise to such person as the Justice or Justices imposing the fine may order, and, if default is made in the payment of any one instalment, the same proceedings may be taken to recover the amount then remaining due as if no such order for payment by instalments had been made.

27. Where a fine adjudged by a conviction by one or more Justices to be paid does not exceed Five Shillings, then, except so far as the Court may think fit to expressly order otherwise, an order shall not be made for payment by the defendant to the informant of any costs; and the Court shall, except so far as they think fit to expressly order otherwise, direct all fees payable or paid by the informant to be remitted or repaid to him; the Court may also order the fine, or any part thereof, to be paid in or toward the payment of his costs.

Provision as to costs in the case of small fines.

28. The power of one or more Justices sitting as aforesaid, upon information or complaint of any person to adjudge a person to enter into a recognizance and find sureties to keep the peace, or to be of good behaviour towards such first-mentioned person, shall be exercised in like

Procedure in case of sureties to keep the peace.

*The Justices Procedure Amendment Act.—1883-4.***PART II.**

like manner as an information for any offence punishable on conviction, and "The Summary Jurisdiction Act, 1850," shall apply accordingly, and the informant and defendant and their witnesses may be called and examined, and cross-examined, and the informant and defendant shall be subject to costs as in the case of any other information; and the Court may order the defendant to enter into a recognizance, with or without sureties, to keep the peace, or be of good behaviour, and, in default of compliance with such order, to be imprisoned for any period not exceeding six months.

Power of Court to vary order with regard to sureties.

29. Where a person has been committed to gaol by one or more Justices in default of finding sureties, as in the last preceding section mentioned, such Court, or any other two Justices, may, on application made to it by such person, or some one acting on his behalf, inquire into the case of the person so committed; and if it should appear just upon new evidence produced, or proof of a change of circumstances, the Justice or Justices, having regard to all the circumstances of the case, may reduce the amount for which it is proposed the sureties should be bound, or dispense with the sureties or surety, or otherwise deal with the case as the Court may think just.

Enforcing recognizance to keep the peace.

30. Where a recognizance conditioned to keep the peace, or be of good behaviour, has been entered into by any person as principal or surety before one or more Justices sitting as aforesaid, it shall be lawful for any two Justices so sitting, upon proof of the conviction of the person bound as principal by such recognizance of any offence which is in law a breach of the condition of the same, to declare the recognizance to be forfeited, and adjudge the persons bound thereby, whether as principals or sureties, or any of such persons, to pay the sums for which they are respectively bound, and to enforce payment thereof in the same manner as if the sums were fines adjudged by such Court to be paid in the case of a conviction: Provided that no such recognizance shall, in the absence of the person or persons bound thereby, be declared to be forfeited as aforesaid, except upon proof that a summons has, five clear days before the return thereof, been personally served upon or left at the usual place of abode of the person, or each of the persons (if more than one), who entered into such recognizance, calling upon him or them to show cause why such recognizance should not be declared to be forfeited.

Sums forfeited to whom to be paid.

31. All sums paid in respect of a recognizance so declared to be forfeited, shall be paid to the clerk, if there be a clerk, and otherwise to such person as the Justices declaring the forfeiture shall order, and shall be paid and applied by him in the manner in which fines, in respect of which no special appropriation is made, are payable and applicable.

Power of Court to discharge accused without punishment in certain cases.

32. If, upon the hearing of a charge for an offence punishable on summary conviction under this Act, or under any other Act, whether past or future, the Justice or Justices think that, though the charge is proved, the offence was in the particular case of so trifling

The Justices Procedure Amendment Act.—1883-4.

a nature that it is inexpedient to inflict any punishment, or any other than a nominal punishment—

PART II.

1. The Court, without proceeding to conviction, may dismiss the information, and, if the Court think fit, may order the person charged to pay such damages, not exceeding Forty Shillings, and such costs of the proceedings, or either of them, as the Court think reasonable: or,

11. The Court upon convicting the person charged, may discharge him conditionally upon giving security, with or without sureties, to appear for sentence when called upon; or to be of good behaviour, and either without payment of damages and costs, or subject to the payment of such damages and costs, or either of them, as the Court think reasonable.

33. A warrant or summons issued by a Justice of the Peace under "The Summary Jurisdiction Act, 1850," or under any other Act, whether past or future, or otherwise, shall not be avoided by reason of the Justice who signed the same dying or ceasing to hold office.

Summons or warrant not avoided by death of Justice.

34. If any person assigned by Her Majesty's Commission to act as Justice of the Peace is adjudged insolvent, or makes any arrangement or composition with, or any assignment for, the benefit of his creditors, he shall be and remain incapable of acting as a Justice of the Peace until he has been newly assigned by Her Majesty in that behalf.

Upon insolvency Justice incapable of acting.

35. The description of any offence in the words of the Act, or any order, by-law, or regulation, or other document creating the offence, or in similar words, shall be sufficient in law: and any exception, exemption, proviso, excuse, or qualification, whether it does or does not accompany in the same section the description of the offence in the Act, order, by-law, regulation, or other document creating the offence, may be proved by the defendant, but need not be specified or negatived in the information or complaint; and if so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant.

Provision as to proceedings and proof.

36. Where a conviction or order has been made by any one or more Justices as aforesaid, all parties interested therein shall be entitled to demand and have copies of the information or complaint and depositions, and of the conviction or order, as the case may be, and the Justice or Justices shall cause the same to be furnished upon payment of the fees authorised in that behalf.

Copies of proceedings in summary cases may be obtained.

37. "The Summary Jurisdiction Act, 1850," shall, notwithstanding any special provision to the contrary contained in any Act, apply to all informations, complaints, or other proceedings taken under the authority of, or instituted by virtue of, any Act relating to the

Application of Summary Jurisdiction Act to Customs.

*The Justices Procedure Amendment Act.—1883-4.***PART II.**

the Customs in any case which one or more Justices of the Peace has or have power to hear and determine in a summary manner by virtue of such Acts. All convictions and orders in such cases shall be subject to appeal in like manner as other convictions and orders, and such appeal shall be to the Local Court of Full Jurisdiction in Adelaide, and shall be conducted in manner prescribed and subject to the conditions as to notice of appeal, recognizance, and otherwise prescribed by the Act No. 6 of 1850: Provided that where the sum adjudged by conviction, under or by virtue of any of the said Acts to be paid, exceeds Fifty Pounds, the period of imprisonment imposed by the Court in respect of the non-payment of such sum, or in respect of default of sufficient distress to satisfy such sum, may exceed three months, but shall not exceed six months.

Justices not to reduce fine below amount provided in treaty.

38. Nothing in this Act shall authorise a Justice or Justices to reduce below the prescribed minimum the amount of a fine imposed under an Act passed for carrying into effect a treaty, convention, or agreement made with the Imperial Government of Great Britain, or with any British possession, or with any foreign state, and such treaty, convention, or agreement stipulates for a fine of a minimum amount.

Amendment of section 47, Act No. 6 of 1850.

39. The following words, contained in the forty-seventh section of "The Summary Jurisdiction Act, 1850," are hereby repealed:—"And except where the informer or party prosecuting shall be examined as a witness."

PART III.**PART III.**

MODE OF OBTAINING THE OPINION OF THE SUPREME COURT ON QUESTIONS OF LAW WHICH ARISE IN THE EXERCISE OF SUMMARY JURISDICTION BY JUSTICES OF THE PEACE.

Justices, on application of party aggrieved, to state a case for the opinion of the Supreme Court.

Schedule B, Partj III.

40. After the hearing and determination by a Justice or Justices of the Peace of any information or complaint which he or they have power to determine in a summary way by any law now in force or hereafter to be passed, either party to the proceeding before the said Justice or Justices may, if dissatisfied with the said determination as being erroneous in point of law, apply, in writing, within seven days after the same, to the said Justice or Justices to state and sign a case setting forth the facts and the grounds of such determination for the opinion of the Supreme Court, and such party hereinafter called the "appellant" shall, within five days after receiving such case, transmit the same to the Master of the said Court, first giving notice, in writing, of such appeal, with a copy of the case so stated and signed, to the other party to the proceeding in which the determination was given, hereinafter called the "respondent."

Security and notice to be given by the appellant.

41. The appellant, at the time of making such application, and before a case shall be stated and delivered to him by the Justice or Justices

*The Justices Procedure Amendment Act.—1883-4.***PART III.**

Justices, shall in every instance enter into a recognizance before such Justice or Justices, or any one or more of them, with or without surety or sureties, and in such sum as to the Justice or Justices shall seem meet, conditioned to prosecute without delay such appeal, and to submit to the judgment of the Supreme Court, and pay such costs as may be awarded by the same; and the appellant shall at the same time, and before he shall be entitled to have the case delivered to him, pay his fees for and in respect of the case and recognizance, which fees shall be according to the Schedule in the third part of this Act marked A; and the appellant, if then in custody, shall be liberated upon the recognizance being further conditioned for his appearance before the same Justice or Justices, or, if that is impracticable, before some other Justice or Justices who shall then be sitting, within fourteen days after the judgment of the Supreme Court shall have been given, to abide such judgment unless the determination appealed against be reversed.

Schedule A, Part III.

42. If the Justice or Justices be of opinion that the application is merely frivolous, but not otherwise, he or they may refuse to state a case, and shall, on the request of the appellant, sign and deliver to him a certificate of such refusal: Provided that the Justice or Justices shall not refuse to state a case when application for that purpose is made to them by or under the direction of Her Majesty's Attorney-General for the province.

Justices may refuse a case where they think the application frivolous.

Schedule C, Part III.

43. Where the Justice or Justices shall refuse to state a case as aforesaid, it shall be lawful for the appellant to apply to the Supreme Court upon an affidavit of the facts for a rule calling upon such Justice or Justices, and also upon the respondent, to show cause why such case should not be stated; and the said Court may make the same absolute or discharge it, with or without payment of costs, as to the Court shall seem meet, and the Justice or Justices, upon being served with such rule absolute, shall state a case accordingly upon the appellant entering into such recognizance as is hereinbefore provided.

When the Justices refuse the Supreme Court may by rule order a case to be stated.

44. Whenever the decision of any Justice or Justices is called in question in the Supreme Court by a rule to show cause or other process issued upon an *ex parte* application, it shall be lawful for any such Justice or Justices to make and file in such Court an affidavit setting forth the grounds of the decision so brought under review, and any facts which he or they may consider to have a material bearing upon the question at issue, without being required to pay any fee in respect of filing such affidavit, and such affidavit may be sworn before a Commissioner authorised to take affidavits in the Supreme Court, and may be forwarded by post to the Master thereof for the purpose of being so filed.

Justice, when his decision in question, may file explanatory affidavit.

45. Whenever any such affidavit has been filed as aforesaid the Supreme Court shall, before making the rule absolute against the Justice or Justices, or otherwise determining the matter so as to over-

Court to consider affidavit.

rule

*The Justices Procedure Amendment Act.—1883-4.***PART III.**

rule or set aside the acts or decisions of the Justice or Justices to which the application relates, take into consideration the matters set forth in such affidavit, notwithstanding that no counsel appear on behalf of the said Justice or Justices.

Supreme Court to determine the questions on the case.

46. When a case is transmitted to the Supreme Court, the said Court shall hear and determine the question or questions of law arising thereon, and shall thereupon reverse, affirm, or amend the determination in respect of which the case has been stated, or remit the matter to the Justice or Justices with the opinion of the Court thereon, or may make such order in relation to the matter; and may make such order as to costs as to the Court may seem fit, and all such orders shall be final and conclusive on all parties: Provided that no Justice or Justices of the Peace who shall state and deliver a case in pursuance of the third part of this Act, shall be liable to any costs in respect or by reason of such appeal against his or their determination.

Schedule D, Part III.

Its decision to be final.

Case may be sent back for amendment.

47. The Supreme Court shall have power, if they think fit, to cause the case to be sent back for amendment, and thereupon the same shall be amended accordingly, and judgment shall be delivered after it shall have been amended.

Power of Supreme Court may be exercised by a Judge in chambers.

48. The authority and jurisdiction hereby vested in the Supreme Court, under the third part of this Act, shall and may, subject to any rules and orders of such Court in relation thereto, be exercised by a Judge of such Court sitting in chambers, and as well in vacation as in term time.

After the decision of the Supreme Court Justices may issue warrants.

49. After the decision of the Supreme Court in relation to any case stated for their opinion, under the third part of this Act, the Justice or Justices in relation to whose determination the case has been stated, or any other Justice or Justices of the Peace, shall have the same authority to enforce any conviction or order which may have been affirmed, amended, or made by such Supreme Court, as the Justice or Justices who originally decided the case would have had to enforce his or their determination if the same had not been appealed against; and no action or proceeding whatsoever shall be commenced or had against the Justice or Justices for enforcing such conviction or order by reason of any defect in the same respectively.

Certiorari not to be required for proceedings hereunder.

50. No writ of *certiorari* or other writ shall be required for the removal of any conviction, order, or other determination in relation to which a case is stated under the third part of this Act, or otherwise, for obtaining the judgment or determination of the Supreme Court on such case.

Supreme Court may make rules for proceedings.

51. The Supreme Court may from time to time, and as often as they shall see occasion, make and alter rules and orders to regulate the practice and proceedings in reference to the cases hereinbefore mentioned.

52. In

The Justices Procedure Amendment Act.—1883-4.

52. In all cases where the conditions or any of them in the said recognizance mentioned shall not have been complied with, the Justice or Justices who shall have taken the same, or any other Justice or Justices, shall certify on the back of the recognizance in what respect the conditions have not been observed, and transmit the same to the clerk of the nearest Local Court of Full Jurisdiction, and such certificate shall be deemed sufficient *prima facie* evidence of the said recognizance having been forfeited, and it shall be lawful for such Local Court to declare such recognizance to be forfeited upon production of such certificate as aforesaid; and upon further proof that a notice in writing, signed by the clerk of the said Local Court, has, ten days before the holding of such Court, been personally served upon, or left at the usual place of abode of, the party (or each of the parties, if more than one) who entered into such recognizance, that an application will be made to the said Local Court that the said recognizance shall be declared forfeited; and the said Local Court may enlarge the said recognizance, or may adjourn the application, or may declare the said recognizance to be forfeited, and may order the sum or sums due under such recognizance to be paid forthwith, or at such time as to the said Local Court shall seem fit; and the sum or sums conditioned to be paid in such recognizance shall and may be recovered by distress and sale of the goods and chattels of the party or parties liable to pay the same; and the warrant of distress shall be under the hand of the clerk and seal of the said Local Court in the form of Schedule G to the third part of this Act, or as near thereto as circumstances will permit.

PART III.

Recognizances how to be enforced.

Schedule G, Part III.

53. Any person who shall appeal under the provisions herein contained against any determination of a Justice or Justices of the Peace, from which he is by law entitled to appeal to any other tribunal, shall be taken to have abandoned such last mentioned right of appeal finally and conclusively, and to all intents and purposes.

Appellants under this Act not allowed to appeal to any other tribunal.

PART IV.**PART IV.**

**AMENDMENTS ON APPEALS FROM CONVICTIONS
AND ORDERS OF JUSTICES OF THE PEACE.**

54. Where any recognizance entered into before any Justice or Justices of the Peace as a condition of any appeal under this or any other Act shall appear to the Court before which such appeal is brought to have been insufficiently entered into, or to be otherwise defective or invalid, it shall be lawful for such Court to permit the substitution of a new and sufficient recognizance or recognizances to be entered into before such Court, in the place of any insufficient, defective, or invalid recognizances, and, for that purpose, to allow such time and impose such terms as to payment of costs to the respondent or respondents as shall appear just;

Amendment of recognizances.

*The Justices Procedure Amendment Act.—1883-4.***PART IV.**

just; and such substituted recognizances shall be as valid and effectual as if they had been duly entered before such Justice or Justices: Provided that the Court before which such appeal is brought may, if it see fit, dispense with any recognizance.

Amendment of notice
and grounds of
appeal.

55. No appeal from any decision, order, conviction, or determination of any one or more Justices of the Peace shall be defeated merely by reason of any defect, whether of substance or of form, in any notice or statement of grounds of appeal, but where, upon the hearing of such appeal, the Court before which such appeal is brought shall be of opinion that any objection raised to such notice or statement of grounds of appeal, is valid, it shall be lawful for such Court to cause any such notice or statement of grounds to be forthwith amended: Provided that, if such notice or statement of grounds shall appear to have been misleading, or to have occasioned expense, or to have prejudiced the party respondent, such amendment shall be allowed only upon such terms as to costs or postponement, or both, as to such Court shall appear just.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WILLIAM C. F. ROBINSON, Governor.

The Justices Procedure Amendment Act.—1883-4.

SCHEDULES.

SCHEDULE No. 1.

Deposition of Witness dangerously ill and unable to travel.

Part I.

SOUTH AUSTRALIA, }
to wit.

The examination and deposition of L. M. of _____ in the said province
[farmer] taken on oath this _____ day of _____ in the year of
our Lord, one thousand eight hundred and _____ at _____ in the said
province, pursuant to section _____ of the Act No. _____ of _____ intituled

(it having been made to appear to my satisfaction that the said L. M. is dangerously ill and unable to travel, and in the opinion of E. F., a duly qualified medical practitioner, not likely to recover from such illness, and it not being practicable for a Justice of the Peace to take an examination or deposition of the said L. M. in accordance with the provisions of the Act No. 15 of 1849) in the presence and hearsay [of A. R., the accused, and] of E. F., medical practitioner, F. G., clerk of _____ and G. H., of _____ * the said accused having been committed [or bailed to appear] for trial at the next Criminal Sittings of the _____ Court, to to be holden at _____ to answer to a charge of having [here state the offence shortly] [or if no person charged, say from the asterisk * relating to a certain indictable offence, namely, the offence of (stating it shortly) alleged to have been committed on at _____ for which no person has already been accused or committed, or bailed to appear for trial] this deponent, L. M., on his oath, saith as follows :—

The above deposition of L. M. was taken and sworn before me at _____ on
the day and year first above mentioned.

J.P

SCHEDULE No. 2.

Notice of Intention to take Deposition of Witness ill and unable to travel.

Part I.

To A. B., of _____ &c.

I, C. D., of _____ &c., constable of [or being the prosecutor of you A. B., or being the person accused and] who stands committed or is held to bail to answer the charge of _____ at the next Criminal Sittings of the _____ Court to be holden at _____ [or is accused of the offence of _____] hereby give you notice, pursuant to section _____ of the Act No. _____ of _____ intituled

that I. S., Esquire, one of Her Majesty's Justices of the Peace in and for the province, intends, on the _____ day of _____ at _____, to take the statement of L. M., who is there dangerously ill and unable travel, and who it is alleged is able and willing to give material information relating to the said offence [or relating to me the said accused] Dated this _____ day of _____

C.D., or A. B., the prosecutor [or accused, or constable of _____]

SCHEDULE No. 3.

*Order to Convey a Prisoner to place of taking Deposition of a Witness dangerously ill. Part I.*SOUTH AUSTRALIA, }
to wit.

To the Keeper of the Gaol at _____

Whereas it appears to me that one A. B., now in your custody [under my commitment]

mitment] has duly served [or has received from one C. D.] a notice pursuant to the Act No. of , intituled that I. S., Esquire, one of Her Majesty's Justices of the Peace in and for the province, intends [as in Schedule No. 2 to the end]: Now I, the said committing Justice [or I, S. B., Esquire, one of the visiting Justices of the said gaol] do hereby, by virtue of the said Act, direct you to convey the said A. B. to the place mentioned in the said notice for the purpose of being present at the taking of the statement of the said L. M.

SCHEDULE No. 4.

Complaint of Bail for a person charged with an Indictable Offence, in order that he might be committed in Discharge of their Recognizances.

The information and complaint of C. D., of [yeoman], and E. F., of [storekeeper], taken this _____ day of _____, in the year of our Lord one thousand eight hundred and _____, before the undersigned [one] of Her Majesty's Justices of the Peace in and for the said province, who say that they, the said C. D. and E. F., were, on the _____ day of _____ now last past, severally and respectively duly bound by recognizances before S. B., Esquire, one of Her Majesty's Justices of the Peace for the said province, in the sum of _____ each, upon condition that one A. B., of _____ should appear at the next Court of Oyer and Terminer and General Gaol Delivery [or Circuit Court] to be holden at _____, in the said province, and there surrender himself into the custody of the keeper of the [common gaol] there, and plead to such indictment as might be found against him in respect of the charge of [*here state the charge shortly*], and take his trial upon the same, and not depart the said Court without leave; and that these complainants have reason to suspect and believe, and do verily suspect and believe, that the said A. B. is about to depart from this province, and therefore they pray of me, the said Justice, that I would issue my warrant of apprehension of the said A. B., in order that he may be surrendered to goal in discharge of them, his said bail.

J.P. C. D.
E. F.

Warrant to Apprehend the Person Charged.

Whereas you, the said C. D. and E. F., have this day made complaint to me, the undersigned, one of Her Majesty's Justices of the Peace in and for the said province, that you the said C. D. and E. F. were, &c. [as in the complaint No. 1]: These are therefore to authorise you, the said C. D. and E. F., and also to command you, the said constable, in Her Majesty's name, forthwith to apprehend the said A. B., and to bring him before me, or some other Justice or Justices of the Peace in and for the said province, to the intent that he may be committed to the gaol at until the next Court of Oyer and Terminer and General Gaol Delivery [or, Circuit Court] to be holden at _____ unless he find new and sufficient sureties to become bound for him in such recognizance as aforesaid.

SCHEDULE

The Justices Procedure Amendment Act.—1883-4.

SCHEDULE No. 6.

Commitment of the Person Charged on Surrender of his Bail after Apprehension under a Warrant. Part I.

To the _____ of Police and to all Constables of the said province, and to the Keeper of the Gaol at _____.

SOUTH AUSTRALIA, }
to wit.

Whereas on the _____ day of _____ complaint was made to me, the undersigned [or to J. H.], one of Her Majesty's Justices of the Peace in and for the said province, by C. D. and E. F., of, &c., that [as in the complaint No. 1 to the end] I [or the said parties] thereupon issued my [or his] warrant authorising the said C. D. and E. F., and also commanding the said constables, and all other peace officers in the said province, in Her Majesty's name, forthwith to apprehend the said A. B. and to bring him [follow to end of warrant No. 2]: And whereas the said A. B. hath been apprehended under and by virtue of the said warrant, and being now brought before me the said Justice [or me, the undersigned, one, &c.], and surrendered by the said C. D. and E. F., his said sureties, in discharge of their said recognizances, I have required the said A. B. to find new and sufficient sureties to become bound for him in such recognizance as aforesaid; but the said A. B. hath now refused so to do: These are therefore to command you, the said constables, in Her Majesty's name, forthwith to take and safely convey the said A. B. to the said gaol at _____, in the said province, and there deliver him to the keeper thereof, together with this precept: And I hereby command you, the said keeper, to receive the said A. B. into your custody in the said gaol, and him there safely to keep until the next Court of Oyer and Terminer and Gaol Delivery [or until the next Circuit Court], to be holden at _____, in the said province, unless in the meantime the said A. B. shall find new and sufficient sureties to become bound for him in such recognizances as aforesaid.

Given under my hand and seal, &c.

J.P.

SCHEDULE No. 7.

Conviction for Contempt of Court of Summary Jurisdiction.

SOUTH AUSTRALIA, }
to wit.

Part II.

Be it remembered that, on the _____ day of _____ in the year of our Lord one thousand eight hundred and _____ at _____ in the said province, A. B., of _____ in the said province [laborer], is convicted before [me or us], the undersigned, [one or two] of Her Majesty's Justices of the Peace in and for the said province, for that he, the said A. B. [here insert the statement in one of the following columns]—

did, on the day and year aforesaid, at _____ aforesaid, wilfully misbehave himself in a Court of Summary Jurisdiction, then and there holden before [me or us],

did, on the day and year aforesaid, at _____ aforesaid, wilfully interrupt the proceedings of a Court of Summary Jurisdiction, then and there holden before [me or us],

was, on the day and year aforesaid, at _____ aforesaid, guilty of wilful prevarication in giving evidence to a Court of Summary Jurisdiction then and there holden before [me or us],

contrary to the Act in that case made and provided. And [I or we] adjudge the said A. B. for his said offence [proceed as in the ordinary form of conviction].

SCHEDULE No. 8.

Postponement of Hearing.

Part II.

The summons under the hand of A. B., Esquire, Justice of the Peace, by which C. D. is required to appear here this day, at _____ o'clock in the _____ noon, to answer the complaint of E. F., is now postponed by me until [Wednesday] next, the _____ day of _____ at the same hour and place, when and where the said _____ said

The Justices Procedure Amendment Act.—1883-4.

said parties and their respective witnesses are required again to appear, in order that the said summons may be heard and determined.

Dated this day of 18
I. I. B., Clerk of Court of Summary Jurisdiction.

SCHEDULE No. 9.

Part II.

Summons in case of adverse claim to goods distrained.

SOUTH AUSTRALIA, }
to wit.

To A. B. of &c., and C. D. of &c.

Whereas complaint hath this day been made before the undersigned of Her Majesty's Justices of the Peace in and for the said province for that by a warrant under the hand and seal of [one] of Her Majesty's Justices of the Peace in and for the said province, dated the day of , and directed to , the said constables were commanded, in Her Majesty's name, forthwith to make distress of the goods and chattels of E. F. and that G. H., one of the said constables had, under the said warrant, distrained certain goods and chattels as and for the goods and chattels of the said E. F., and that you, the said C. D., have claimed the same as your property :* These are therefore to command you, the said A. B. and C. D., in Her Majesty's name, to be and appear on the day of at o'clock in the noon, at in the said province, before such Justices of the Peace as may be then present, in order that they may adjudicate upon the said claim and make an order thereupon according to law.

Given under my hand and seal this day of at in the province aforesaid.

J. P

SCHEDULE No. 10.

Part I.

Order in case of adverse claim to goods distrained.

SOUTH AUSTRALIA, }
to wit.

Be it remembered that, on the day of , complaint was made [as in the summons to the *] and that C. D. had claimed the same as his property, and now, at this day, A. B., the party who obtained the said warrant, and the said C. D., appear before us, the undersigned, [two] of Her Majesty's Justices of the Peace in and for the said province [if both do not appear, state the non-appearance and service of the summons], to be and appear here at this day before, &c., in order that we might adjudicate upon the said claim and make an order thereupon according to law; and now having heard the matter of the said complaint we do adjudge that [here state the adjudication in one of the following forms] :—

The said goods and chattels were [not] Part of the said goods and chattels, to wit, [one table, &c.] were, at the time of the said distress thereof, the property of the said C. D., but that the residue of the said goods and chattels are not his property.

And we do also adjudge the said [C. D. or A. B.] to pay to the said [A. B. or C. D.] forthwith [or on or before the day of] the sum of for his costs in this behalf, and if the said sum [proceed as in the usual "order" for payment of money mutatis mutandis].

SCHEDULES

The Justices Procedure Amendment Act.—1883-4.

SCHEDULES TO THIRD PART OF THIS ACT.

SCHEDULE A.

"The Justices Procedure Amendment Act, 1883-4."

Fees to be taken by Clerks.

	s.	d.
For drawing case and copy, where the case does not exceed five folios of seventy-two words, each	10	0
For every additional folio	1	6
For the recognizance to be taken under Part III. of this Act	5	0
For every enlargement or renewal thereof	2	6
For certificate of refusal of case	2	0
For warrant of distress under Part III. of this Act	5	0

SCHEDULE B.

"The Justices Procedure Amendment Act, 1883-4."

Application by dissatisfied party to Justices to state a case.

To J. W. and R. E., Esquires, two of Her Majesty's Justices of the Peace for the Province of South Australia.

In the matter of an information [or complaint] wherein I, the undersigned, was [informant, complainant, or defendant, as the case may be] and I. F. was [defendant, complainant, or informant, as the case may be], heard before and determined by you at _____ on the _____ day of _____.

Being dissatisfied with your determination upon the hearing of the above information [or complaint] as being erroneous in point of law, I hereby, pursuant to section _____ of the Justices Procedure Amendment Act, 1883-4, make application to you to state and sign a case setting forth the facts and the grounds of your determination, in order that I may take the opinion of the Supreme Court thereon.

Dated at _____, this _____ day of _____, . . .

SCHEDULE C.

"The Justices Procedure Amendment Act, 1883-4."

Certificate of Refusal to state a case.

Whereas on the _____ day of _____ an information [or complaint] preferred by R. F. against H. M., of _____, for that, &c. [as in the information or complaint], was heard and determined by the undersigned, two of Her Majesty's Justices of the Peace, and the said H. M. was duly convicted of the said offence, [or was ordered to pay to the said R. F. the sum of _____], [or we thereupon dismissed the said information or complaint].

And whereas the said R. F. [or H. M.], being dissatisfied with the said determination as being erroneous in point of law, hath applied to us, pursuant to section _____ of the Justices Procedure Amendment Act, 1883-4, to state and sign a case for the opinion of the Supreme Court; but we, being of opinion that the application is merely frivolous, have refused to state such case, and at the request of the said R. F. [or H. M.] have signed and delivered to him this certificate of such refusal accordingly.

Given under our hand this _____ day of _____, at _____

J.P.
J.P.

SCHEDULE

The Justices Procedure Amendment Act.—1883-4.

SCHEDULE D.

“The Justices Procedure Amendment Act, 1883-4.”

Case stated by the Justices.

IN THE SUPREME COURT.

Between L.M., Appellant;
and N.O, Respondent.

This is a case stated by us, the undersigned, two of Her Majesty's Justices of the Peace, under the Justices Procedure Amendment Act, 1883-4, on the application, in writing, of the appellant, who was dissatisfied with our determination upon the question of law which arose before us, as hereinafter stated, on the day of , at , the appellant having duly entered into a recognizance to prosecute the appeal:—

1. Upon the hearing of a certain information [or complaint] preferred by the respondent against the appellant, under section of the Act [here state the offence or cause of complaint] we convicted the appellant of the said offence, and adjudged him to pay, &c. [or ordered him to pay to the respondent the sum of] [or as the case may be].

2. The following facts were either proved before us, or admitted by both parties:

3. [Here state the facts concisely, placing them in different numbered paragraphs according to their subject-matter].

4. On the part of the appellant, it was contended that, &c.

5. On the part of the respondent, it was contended that, &c.

6. We, however, being of opinion that, &c. [here stating what the Justices' grounds were for their decision], gave our determination against the appellant in the manner before stated.

7. The question of law upon which this case is stated for the opinion of the Supreme Court is, whether, &c.

8. If the Court should be of opinion that the said conviction [or order] was legally and properly made, and the appellant is liable as aforesaid, then the said conviction [or order] is to stand; but, if the Court should be of opinion otherwise, then the said information [or complaint] is to be dismissed, and the Court is respectfully solicited, according to the power vested in the Court by the Justices Procedure Amendment Act, 1883-4, to remit the case to us (the said Justices), with the opinion of the Court thereon, or to make such other order as to the Court may seem fit.

Given under our hands this day of , at

J.P.
J.P.

SCHEDULE E.

“The Justices Procedure Amendment Act, 1883-4.”

*Recognizance to Prosecute Appeal.*SOUTH AUSTRALIA, }
to wit.

Be it remembered that, on the day of , James Smith, of , and Robert Jones, of , and Thomas Brown, of , personally came before the undersigned, one of Her Majesty's Justices of the Peace in and for the said province, and severally acknowledged themselves to owe to our Sovereign Lady the Queen the several sums following (that is to say), the said James Smith the sum of , and the said Robert Jones and Thomas Brown the sum of each, of good and lawful money of Great Britain, to be made and levied of their several goods and chattels to the use of our said Lady the Queen, Her heirs and successors, if he, the said James Smith, shall fail in the condition indorsed.

Taken and acknowledged the day and year first above mentioned at before me.

J.P.

Conditions.

The condition of the within written recognizance is such, that whereas on the day of an information (or complaint), preferred by W. J. against J. S., was heard and determined by J. W. and R. E., two of Her Majesty's Justices of the Peace for in, and for the said province; and whereas the said J. S., being dissatisfied with the said determination as being erroneous in point of

The Justices Procedure Amendment Act.—1883-4.

of law, has applied to the said Justices to state and sign a case pursuant to the Justices Procedure Amendment Act, 1883, for the opinion of the Supreme Court, and the said Justices have complied with such application (or have been ordered to comply with such application). If therefore the said J. S., after the said Justices shall have stated a case setting forth the facts and the grounds, as aforesaid, for the opinion of the said Court, shall duly prosecute without delay such his appeal, and submit to the judgment of the said Court thereon, and pay such costs as may be awarded by same: [If appellant is in custody, add here] "And further, should the said appeal be dismissed, that if the said J. S. shall appear before such Justice or Justices of the Peace for the said province as shall be sitting at the on within fourteen days after the judgment of the said Court shall have been given to abide such judgment," then the said recognizance to be void, or else to stand in full force and virtue.

SCHEDULE F.

"The Justices Procedure Amendment Act, 1883-4."

Notice from Appellant to Respondent, with Copy of the Case Stated.

To R. F. of &c.

Take notice that I, the undersigned, being the defendant [or informant] in an information [or complaint] preferred by you [or myself], and heard before and determined by two of Her Majesty's Justices of the Peace in and for the said province at , on the day of , being dissatisfied with the determination of the said Justices upon the hearing of the said information [or complaint], as being erroneous in point of law, applied to the said Justices, pursuant to section of the Justices Procedure Amendment Act, 1883-4, to state and sign a case, setting forth the facts and grounds of their determination, in order that I may take the opinion of the Supreme Court thereon; and in pursuance of such application, and of the provisions of the Act aforesaid, the said Justices have stated and signed a case, a copy of which is annexed hereto.

Dated this day of

H. D., Appellant.

SCHEDULE G.

"The Justices Procedure Amendment Act, 1883-4."

Warrant of Distress.

In the Local Court of

Full Jurisdiction.

To of Police, and to all Constables and Peace Officers of the said province.

Whereas on the day of J. S., of and R. J., of entered into a certain recognizance in pursuance of the Justices Procedure Amendment Act, 1883-4, to secure the payment of Pounds sterling to Her Majesty the Queen, Her heirs and successors, that is to say—the said J. S. the sum of Pounds, and the said R. J. and J. B. the sum of Pounds each, if the said J. S. should fail in the conditions indorsed thereon: And whereas on the day of an application was made to this Court to order the said recognizance to be forfeited, and it was then found to the satisfaction of the said Court that the conditions of the said recognizance had not been complied with, and the said Court being also satisfied that the provisions contained in the section of aforesaid Act had been duly observed, did therefore order the said recognizance to be forfeited, and the several sums thereby secured to be paid to the clerk of this Court on or before the day of

And whereas the time appointed for the payment of the same has elapsed, but the said have not paid the same, nor any part thereof, these are therefore to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the said and if within the space of five days next after making such distress the said sums, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you shall sell the goods and chattels so by you distrained, and do pay the money arising by such sale to the clerk of this Court, that he may pay and apply the same as by law is directed, and may render the overplus, if any, on demand to the said ; and if no such distress can be found, then that you certify the same accordingly.

Clerk of the Court.



ANNO QUADRAGESIMO SEXTO ET QUADRAGESIMO
SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1883-4.

No. 299.

An Act to amend the "Local Courts Act, 1861."

[Assented to, February 28th, 1884.]

WHEREAS it is desirable to amend and declare the law with regard to the decisions of Local Courts of Full Jurisdiction—Be it Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

Preamble.

1. Notwithstanding anything in the "Local Courts Act, 1861," contained, whenever in a Local Court of Full Jurisdiction, consisting of a Special Magistrate and two Justices of the Peace, two members of the Court shall have concurred or shall hereafter concur in any judgment, verdict, finding, decision, or order, the same shall not be invalid by reason only that the third member of the Court shall not have concurred therein; but the concurrence of the majority of the members of the Court in any judgment, verdict, finding, decision, or order, shall suffice.

Absence of unanimity among members of Local Court of Full Jurisdiction not to invalidate past or future judgments, &c.

2. Notwithstanding anything to the contrary contained in the "Local Courts Act, 1861," it shall be lawful for any party to any action in any Local Court in whose favor any verdict or judgment has been given, unless the Court, Judge, or Special Magistrate shall otherwise order, to cause execution to be issued thereon forthwith after the same shall have been pronounced and entered in the record book.

Execution may issue.

3. No execution heretofore issued out of any Local Court shall be

Former executions validated.

The Local Courts Act Amendment Act.—1883-4.

be adjudged or be deemed unlawful or invalid solely on the ground that no order had been made for payment of the amount thereof, as required by section 111 of the said "Local Courts Act, 1861": Provided that nothing in this clause shall validate or affect any execution heretofore declared invalid by any Court, or in respect of the validity of which any litigation is now pending.

Court may nonsuit.

4. On the trial of any action in any Local Court, the Court, or in jury cases the Special Magistrate, may, at the close of the plaintiff's case, nonsuit the plaintiff, notwithstanding he objects to such nonsuit.

Act not to affect judgments, &c., already declared invalid.

5. This Act shall not apply to any judgment, verdict, finding, decision, or order heretofore declared invalid by the Supreme Court for want of unanimity among the members of any Local Court.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WILLIAM C. F. ROBINSON, Governor.



ANNO QUADRAGESIMO SEXTO ET QUADRAGESIMO
SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1883-4.

No. 300.

An Act to amend the Law of Property and of Contract
with respect to Married Women.

[*Assented to, February 28th, 1884.*]

WHEREAS it is expedient to amend the law of property and of contract with respect to married women—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

Preamble.

1. (1.) A married woman shall, in accordance with the provisions of this Act, be capable of acquiring, holding, and disposing by will or otherwise, of any real or personal property as her separate property in the same manner as if she were a *feme sole*, without the intervention of any trustee.

Married woman to be capable of holding property and of contracting as a feme sole.

(2.) A married woman shall be capable of entering into and rendering herself liable in respect of and to the extent of her separate property on any contract, and of suing and being sued, either in contract or in tort, or otherwise, in all respects as if she were a *feme sole*, and her husband need not be joined with her as plaintiff or defendant, or be made a party to any action or other legal proceeding brought by or taken against her; and any damages or costs recovered by her in any such action or proceeding shall be her separate property; and any damages or costs recovered against her in any such action or proceeding shall be payable out of her separate property, and not otherwise.

(3.) Every

The Married Women's Property Act.—1883-4.

(3.) Every contract entered into by a married woman with respect to and to bind her separate property shall bind not only the separate property which she is possessed of or entitled to at the date of the contract, but also all separate property which she may thereafter acquire.

(4.) Every married woman carrying on a trade separately from her husband shall, in respect of her separate property, be subject to the insolvency laws in the same way as if she were a *feme sole*.

Property of a woman married after the Act to be held by her as a *feme sole*.

2. Every woman who marries after the commencement of this Act shall be entitled to have and to hold as her separate property and to dispose of in manner aforesaid all real and personal property which shall belong to her at the time of marriage, or shall be acquired by or devolve upon her after marriage, including any wages, earnings, money, and property gained or acquired by her in any employment, trade, or occupation, in which she is engaged, or which she carries on separately from her husband, or by the exercise of any literary, artistic, or scientific skill.

Loans by wife to husband.

3. Any money or other estate of the wife lent or entrusted by her to her husband, or any money or other estate of the husband lent or entrusted by him to his wife, for the purpose of any trade or business carried on by him or her or otherwise, shall be treated as assets of the husband's or wife's estate in case of his or her insolvency: Provided that the wife or husband may claim a dividend as a creditor for the amount or value of such money or other estate, but unless a memorandum of such loan or transaction shall have been registered in the General Registry Office, at Adelaide (in a form to be settled by the Registrar-General), within fourteen days of such loan or transaction, all claims of the other creditors of the husband or wife for valuable consideration in money or money's worth shall first be satisfied.

Execution of general power.

4. The execution of a general power by will by a married woman shall have the effect of making the property appointed liable for her debts and other liabilities in the same manner as her separate estate is made liable under this Act.

Property acquired after the Act by a woman married before the Act to be held by her as a *feme sole*.

5. Every woman married before the commencement of this Act shall be entitled to have and to hold and to dispose of in manner aforesaid as her separate property all real and personal property, her title to which, whether vested or contingent, and whether in possession, reversion, or remainder, shall accrue after the commencement of this Act, including any wages, earnings, money, and property so gained or acquired by her as aforesaid.

As to stock, &c., to which a married woman is entitled.

6. All deposits in any post office or any savings bank, or other bank, all funds and annuities granted by any Government or corporation, and all sums forming part of the inscribed stock of South Australia, or of the public stocks or funds of any Government or of any other

The Married Women's Property Act.—1883-4.

other stocks or funds transferable in the books of any bank which at the commencement of this Act are standing in the sole name of a married woman, and all shares, stock, debentures, debenture stock, or other interests of or in any corporation, company, or public body, municipal, commercial, or other, or of or in any industrial, provident, friendly, benefit, building, or loan society, which at the commencement of this Act are standing in the name of any married woman, shall be deemed, unless and until the contrary be shown, to be her separate property; and the fact that the same is standing in the sole name of a married woman, shall be sufficient *prima facie* evidence that she is beneficially entitled thereto for her separate use, so as to authorise and empower her to receive or transfer the same, and to receive the dividends, interest, and profits thereof, without the concurrence of her husband, and to indemnify all Governments, corporations, officers, trustees, and other persons in respect of such transfer and receipts in respect thereof.

7. All sums forming part of any such stocks or funds, and all such deposits and annuities respectively as are mentioned in the last preceding section, and all shares, stock, debentures, debenture stock, and other interests of or in any such corporation, company, public body, or society as aforesaid, which after the commencement of this Act shall be allotted to or placed, registered, or transferred in or into or made to stand in the sole name of any married woman shall be deemed, unless and until the contrary be shown, to be her separate property, in respect of which so far as any liability may be incident thereto her separate estate shall alone be liable, whether the same shall be so expressed in the document whereby her title to the same is created or certified, or in the books or register wherein her title is entered or recorded, or not: Provided always that nothing in this Act shall require or authorise any corporation or joint stock company to admit any married woman to be a holder of any shares or stock therein to which any liability may be incident, contrary to the provisions of any Act of Parliament, charter, by-law, articles of association, or deed of settlement regulating such corporation or company.

As to stock, &c., to be transferred, &c., to a married woman.

8. All the provisions hereinbefore contained as to deposits, annuities, sums forming part of any public stocks or funds, or of any other stock or funds, or of any other bank shares, stock, debentures, debenture stock, or other interests of or in any such corporation, company, public body, or society as aforesaid respectively, which at the commencement of this Act shall be standing in the sole name of a married woman, or which, after that time, shall be allotted to, or placed, registered, or transferred to or into, or made to stand in, the sole name of a married woman, shall respectively extend and apply, so far as relates to the estate, right, title, or interest of the married woman, to any of the particulars as aforesaid which, at the commencement of this Act, or at any time afterwards, shall be standing in, or shall be allotted to, placed, registered, or transferred to or into, or made to stand in, the name of any married woman jointly with any persons or person other than her husband.

Investments in joint names of married women and others.

9. It

The Married Women's Property Act.—1883-4.

As to stock, &c.,
standing in the joint
names of a married
woman and others.

9. It shall not be necessary for the husband of any married woman, in respect of her interest, to join in the transfer of any such annuity or deposit as aforesaid, or any sum forming part of such public stocks or funds transferable as aforesaid, or any share, stock, debenture, debenture stock, or other benefit, right, claim, or other interest of or in any such corporation, company, public body, or society as aforesaid, which is now or shall at any time hereafter be standing in the sole name of any married woman, or in the joint names of such married woman and any other person or persons not being her husband.

Fraudulent invest-
ments with money of
husband.

10. If any investment in any such deposit or annuity as aforesaid, or in any public stocks or funds, or in any other stocks or funds transferable as aforesaid, or in any share, stock, debenture, or debenture stock of any corporation, company, or public body, municipal, commercial, or otherwise, or in any share, debenture, benefit, right, or claim whatsoever in, to, or upon the funds of any industrial, provident, friendly, benefit, building, or loan society, shall have been made by a married woman by means of moneys of her husband, without his consent, the Court may, upon an application under section seventeen of this Act, order such investment, and the dividends thereof, or any part thereof, to be transferred and paid respectively to the husband; and nothing in this Act contained shall give validity as against creditors of the husband to any gift by a husband to his wife, of any property, which, after such gift, shall continue to be in the order and disposition or reputed ownership of the husband or to any deposit or other investment of moneys of the husband made by or in the name of his wife in fraud of his creditors; but any moneys so deposited or invested may be followed as if this Act had not passed.

*order or disposition
of husband*

Moneys payable
under policy of assu-
rance effected in a
certain form not to
be part of estate of
the insured.

11. A married woman may by virtue of the power of making contracts hereinbefore contained effect a policy upon her own life for her separate use; and the same and all benefit thereof shall enure accordingly.

A policy of assurance effected by any man on his own life, and expressed to be for the benefit of his wife, or of his children, or of his wife and children, or any of them, or by any woman on her own life, and expressed to be for the benefit of her husband, or of her children, or of her husband and children, or any of them, shall create a trust in favor of the objects therein named, and the moneys payable under any such policy shall not, so long as any object of the trust remains unperformed, form part of the estate of the insured, or be subject to his or her debts: Provided that, if it shall be proved that the policy was effected and the premiums paid with intent to defraud the creditors of the insured, they shall be entitled to receive, out of the moneys payable under the policy, a sum equal to the premiums so paid: Provided also that nothing herein contained shall affect the proviso of the thirty-third section of

The Married Women's Property Act.—1883-4.

of the "Life Assurance Companies Act," 277 of 1882. The insured may by the policy, or by any memorandum under his or her hand, appoint a trustee or trustees of the moneys payable under the policy, and from time to time appoint a new trustee or new trustees thereof, and may make provision for the appointment of a new trustee or new trustees thereof, and for the investment of the moneys payable under any such policy. In default of any such appointment of a trustee, such policy, immediately on its being effected, shall vest in the insured and his or her legal personal representatives, in trust for the purposes aforesaid. If, at the time of the death of the insured, or at any time afterwards, there shall be no trustee, or it shall be expedient to appoint a new trustee or new trustees, a trustee or trustees or a new trustee or new trustees may be appointed by any Court having jurisdiction under the provisions of "The Trustee Act, 1855," or the Acts amending and extending the same. The receipt of a trustee or trustees duly appointed, or, in default of any such appointment, or in default of notice to the insurance office, the receipt of the legal personal representative of the insured shall be a discharge to the office for the sum secured by the policy, or for the value thereof, in whole or in part.

12. Every woman, whether married before or after this Act; shall have in her own name against all persons whomsoever, including her husband, the same civil remedies, and also (subject as regards her husband, to the proviso hereinafter contained) the same remedies and redress by way of criminal proceedings, for the protection and security of her own separate property, as if such property belonged to her as a *feme sole*, but, except as aforesaid, no husband or wife shall be entitled to sue the other for a tort. In any indictment or other proceeding under this section it shall be sufficient to allege such property to be her property; and in any proceeding under this section a husband and wife shall be competent to give evidence against each other, any statute or rule of law to the contrary notwithstanding: Provided always, that no criminal proceeding shall be taken by any wife against her husband by virtue of this Act while they are living together, as to or concerning any property claimed by her, nor while they are living apart, as to or concerning any act done by the husband while they were living together, concerning property claimed by the wife, unless such property shall have been wrongfully taken by the husband when leaving or deserting, or about to leave or desert, his wife: Provided also, that in any civil proceedings the wife shall be subject to the like obligation to give or find security for costs as if the wife were a *feme sole*.

Married woman to have same civil and criminal redress as *feme sole*.

13. A woman after her marriage shall continue to be liable in respect and to the extent of her separate property for all debts contracted, and all contracts entered into or wrongs committed by her before her marriage, including any sums for which she may be liable as a contributory, either before or after she has been placed on the list of contributories, under and by virtue of the Acts relating to joint

Married woman's liability for contracts and wrongs antec-

The Married Women's Property Act.—1883-4.

joint stock companies; and she may be sued for any such debt and for any liability in damages or otherwise under any such contract, or in respect of any such wrong; and all sums recovered against her in respect thereof, or for any costs relating thereto, shall be payable out of her separate property; and, as between her and her husband, unless there be any contract between them to the contrary, her separate property shall be deemed to be primarily liable for all such debts, contracts, or wrongs, and for all damages or costs recovered in respect thereof: Provided always, that nothing in this Act shall operate to increase or diminish the liability of any woman married before the commencement of this Act for any such debt, contract, or wrong, as aforesaid, except as to any separate property to which she may become entitled by virtue of this Act.

Husband to be liable for his wife's debts contracted before marriage to a certain extent.

14. A husband shall be liable for the debts of his wife contracted, and for all contracts entered into and wrongs committed by her, before marriage, including any liabilities to which she may be so subject under the Acts relating to joint stock companies as aforesaid, to the extent of all property whatsoever belonging to his wife which he shall have acquired or become entitled to from or through his wife, after deducting therefrom any payments made by him, and any sums for which judgment may have been *bonâ fide* recovered against him in any proceeding at law, in respect of any such debts, contracts, or wrongs for or in respect of which his wife was liable before her marriage as aforesaid; but he shall not be liable for the same any further or otherwise; and any Court in which a husband shall be sued for any such debt shall have power to direct any inquiry or proceedings which it may think proper for the purpose of ascertaining the nature, amount, or value of such property: Provided always, that nothing in this Act contained shall operate to increase or diminish the liability of any husband married before the commencement of this Act for or in respect of any such debt or other liability of his wife as aforesaid: Provided also that, after the passing of this Act, no husband shall be liable for debts contracted by his wife on the ground of the implied agency of the wife: Provided that in any case in which any judgment shall be obtained against any husband and wife in respect of any tort committed by the wife after marriage, the husband, if he shall satisfy such judgment or any part thereof, shall be entitled to the extent to which he shall satisfy such judgment to enforce such judgment against any separate estate of the wife, in such and the same manner as the plaintiff could have enforced such judgment against such separate estate if such judgment had been obtained against the wife alone.

Suits for ante-nuptial liabilities.

15. A husband and wife may be jointly sued in respect of any such debt or other liability (whether by contract or for any wrong) contracted or incurred by the wife before marriage as aforesaid, if the plaintiff in the action shall seek to establish his claim, either wholly or in part, against both of them; and if in any such action, or in any action brought in respect of any such debt or liability against

The Married Women's Property Act.—1883-4.

against the husband alone, it is not found that the husband is liable in respect of any property of the wife so acquired by him or to which he shall have become so entitled as aforesaid, he shall have judgment for his costs of defence, whatever may be the result of the action against the wife if jointly sued with him; and in any such action against husband and wife jointly, if it appears that the husband is liable for the debt or damages recovered, or any part thereof, the judgment to the extent of the amount for which the husband is liable shall be a joint judgment against the husband personally and against the wife as to her separate property; and as to the residue, if any, of such debt and damages, the judgment shall be a separate judgment against the wife as to her separate property only.

16. A wife doing any act with respect to any property of her husband, which, if done by the husband with respect to property of the wife, would make the husband liable to criminal proceedings by the wife under this Act, shall in like manner be liable to criminal proceedings by her husband.

Act of wife rendering her liable to criminal proceedings.

17. In any question between husband and wife as to the title to or possession of property, either party, or any such bank, corporation, company, public body, or society as aforesaid in whose books any stocks, funds, or shares of either party are standing, may apply by summons or otherwise in a summary way to any Judge of the Supreme Court of South Australia, or (at the option of the applicant irrespectively of the value of the property in dispute) to the Local Court of Full Jurisdiction nearest to which either party resides, and the Judge of the Supreme Court and the Local Court aforesaid may make such order with respect to the property in dispute, and as to the costs of and consequent on the application, as the said Judge or Court respectively may think fit, or may direct such application to stand over from time to time, and any inquiry touching the matter in question shall be made in such manner as such Judge or Court shall think fit: Provided always, that any order of a Judge of the Supreme Court to be made under the provisions of this section shall be subject to appeal in the same way as an order made by the same Judge in a suit pending or in an equitable action or proceeding in the same Court would be; and any order of a Local Court of Full Jurisdiction under the provisions of this section shall be subject to appeal in the same way as a judgment of such Court for the same amount as the property in dispute would be, and the appeal shall be conducted in the manner provided by the "Local Court Act, 1861," with regard to appeals, and by any Acts extending or amending the same, *mutatis mutandis*, except that the appellant's bond shall be for Twenty Pounds only, and if the security be completed, and the appeal proceeded with in accordance with the provisions in that behalf, the proceedings shall be stayed: Provided that all proceedings of a Local Court of Full Jurisdiction under this section, where the property in question exceeds Four Hundred Pounds in value, may, at the option of the defendant or respondent in such proceedings, be removed as of right into the Supreme Court by

Questions between husband and wife as to property to be decided in a summary way.

The Married Women's Property Act.—1883-4.

by writ of *certiorari* or otherwise in accordance with the "Local Courts Act, 1861," and any other Acts as aforesaid; but any order made, or act done, in the course of such proceedings prior to such removal shall be valid unless order be made to the contrary by such Supreme Court: Provided also that the Judge of the Supreme Court, or the Local Court of Full Jurisdiction, if either party so require, may hear any such application in a private room: Provided further that any such bank, corporation, company, public body, or society as aforesaid shall, in the matter of any such application for the purposes of costs or otherwise, be treated as a stakeholder only.

Married woman as executrix or trustee.

18. A married woman who is an executrix or administratrix alone or jointly with any other person or persons of the estate of any deceased person, or a trustee alone or jointly as aforesaid of property subject to any trust, may sue or be sued, and may transfer or join in transferring any such annuity or deposit as aforesaid or any sum forming part of any public stocks or funds, or of any other stocks or funds transferable as aforesaid, or any share, stock, debenture, debenture stock, or other benefit, right, claim, or interest of or in any such corporation, company, public body, or society in that character, without her husband, as if she were a *feme sole*.

Saving of existing settlements, and the power to make future settlements.

19. Nothing in this Act contained shall interfere with or affect any settlement or agreement for a settlement made or to be made, whether before or after marriage, respecting the property of any married woman, or shall interfere with or render inoperative any restriction against anticipation at present attached or to be hereafter attached to the enjoyment of any property or income by a woman under any settlement, agreement for a settlement, will, or other instrument; but no restriction against anticipation contained in any settlement or agreement for a settlement of a woman's own property to be made or entered into by herself shall have any validity against debts contracted by her before marriage, and no settlement or agreement for a settlement shall have any greater force or validity against creditors of such woman than a like settlement or agreement for a settlement made or entered into by a man would have against his creditors.

Married woman liable for maintenance of relatives and husband.

20. Every married woman having separate property shall be subject to all such liability for the maintenance of her relatives in the ascending and descending lines, as is provided in the fifth section of "The Destitute Persons Act, 1881," as if she were a widow, and shall be as liable to contribute to the maintenance of her husband, if he be without adequate means of support, as by that Act a husband is liable to contribute to the maintenance of his wife, and the powers conferred by that Act, and any Acts extending or amending the same, upon Justices and upon the Destitute Board may be exercised for the enforcement of such liabilities of such married woman; Provided that nothing herein contained shall relieve any husband of any

The Married Women's Property Act.—1883-4.

any liability to contribute to the maintenance of any relative or person whom he is now by law bound to maintain.

21. For the purposes of this Act the legal personal representative of any married woman shall in respect of her separate estate have the same rights and liabilities and be subject to the same jurisdiction as she would if she were living: Provided that nothing herein contained shall take away the effect of any statute of limitations or of the rule that personal actions die with the person.

Legal representative
of married woman.

22. The word "contract" in this Act shall include the acceptance of any trust, or of the office of executrix or administratrix, and the provisions of this Act as to liabilities of married women shall extend to all liabilities by reason of any breach of trust or devastavit committed by any married woman being a trustee or executrix or administratrix either before or after her marriage, and her husband shall not be subject to such liabilities unless he has acted or inter-meddled in the trust or administration. The word "property" in this Act includes a thing in action.

Interpretation of
terms.

23. The date of the commencement of this Act shall be the first day of January, one thousand eight hundred and eighty-four.

Commencement of
Act.

24. This Act may be cited as the "Married Women's Property Act, 1883-4."

Short title.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WILLIAM C. F. ROBINSON, Governor.



ANNO QUADRAGESIMO SEXTO ET QUADRAGESIMO
SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1883-4.

No. 301.

An Act for the Resumption of certain Lands near
Wolseley Railway Station granted to the
Council of Education.

[Assented to, February 28th, 1884.]

WHEREAS it is desirable to enable the Governor to resume the Preamble.
lands hereinafter mentioned, for the purpose of laying out
a township thereon—Be it Enacted by the Governor of the Province
of South Australia, by and with the consent of the Legislative
Council and House of Assembly of the said province, in this present
Parliament assembled, as follows:

1. This Act may be called “The Wolseley Educational Lands Short title.
Resumption Act, 1883.”

2. The Governor may resume possession of the lands lately of Lands in schedule
may be resumed.
the Crown, and described in the Schedule hereto, notwithstanding
the grant of the same to the Council of Education for educational
purposes, and such grant shall be cancelled and be of no effect,
and any leases of such land granted under such Act are hereby
cancelled and shall cease and determine, and such lands are hereby
re-vested in the Governor as Crown lands, to be dealt with as such,
and for the exercise by him of the powers conferred on him by the
“Crown Lands Consolidation Act” of setting apart sites for new
towns and suburbs thereto, and park lands.

3. “The Lands Clauses Consolidation Act” and the Acts ex- Compensation for
existing rights and
incorporation of land
clauses.
tending or amending the same are incorporated with this Act, and
all persons entitled to any lease, tenancy, occupation, or user,
shall

The Wolseley Educational Lands Resumption Act.—1883-4.

shall be entitled to compensation for the extinguishment or severance of such rights respectively under the said Acts, in like manner as if the Commissioner of Crown Lands were "the promoters of an undertaking," and the said lands were lands which the said Commissioner were authorised to take and had taken under a special Act, and as if this Act were the special Act.

Lands in Schedule
not to be counted in
maximum of educa-
tional lands.

4. The lands described in the Schedule hereto shall not be reckoned in the computation of the maximum amount of land limited by any statutes in that behalf which the Governor is empowered to grant for educational purposes ; but the Governor may make grants to the extent of such maximum as if the lands described in the said Schedule had never been so granted.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WILLIAM C. F. ROBINSON, Governor.

The Wolseley Educational Lands Resumption Act.—1883-4.

SCHEDULE.

Commencing at the south-east corner of section 332, Hundred of Tatiara; thence easterly along the northern side of road north of section 360 for twenty chains; thence southerly by a line parallel to the western boundary of said section for forty chains; thence westerly at right angles to the south-eastern side of road south-east of section 354; thence northerly at right angles to the northern side of road north of said section; thence easterly along said side of road to the point of commencement, exclusive of land for railway purposes.



ANNO QUADRAGESIMO SEXTO ET QUADRAGESIMO
SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1883-4.

No. 302.

An Act for the Further Appropriation of the Revenue for the Year ended June thirtieth, one thousand eight hundred and eighty-three, and for the General Appropriation of the Revenue for the Year ending June thirtieth, one thousand eight hundred and eighty-four.

[Assented to, February 28th, 1884.]

WHEREAS by the laws relating to the Customs and Trade Preamble.
and other Acts and Ordinances of the Province of South Australia, certain duties, fines, and other moneys are or may be imposed, levied, and collected, to be paid to the Treasurer on behalf of Her Majesty, Her heirs and successors, for the public uses of the said province and support of the Government thereof—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

1. Out of the said duties, and the produce of all or any other the General Public Revenues of the said province, not otherwise by law specially appropriated, there shall or may be further issued and applied, in the manner hereinafter mentioned, any sums of money not exceeding in amount respectively the several sums of money hereinafter specified, that is to say— Appropriation of General Revenue.

FIRSTLY.—For defraying the Excess of Expenditure for the Government Establishments and Public Services beyond the Grant for the year ended the thirtieth day of June, one thousand eight hundred Excess of Expenditure, 1882-3.

The Appropriation Act.—1883-4.

hundred and eighty-three the sum of Ninety-five Thousand Three Hundred and Fifty-three Pounds Ten Shillings and Eightpence, the said amount being appropriated as follows, viz.:—

	£	s.	d.
The Legislature	1,180	6	3
Civil Establishments	8,812	10	4
Judicial and Legal Departments	1,888	19	7
Gaols and Prisons	1,141	11	2
Education, including Institutes and Art Gallery.. .. .	2,252	2	0
Postal and Telegraph Services	6,765	18	8
Charitable Institutions	2,065	13	10
Customs	1,226	6	1
Harbors and Lights	65	9	0
Public Works	20,463	9	8
Railways and Tramways.. .. .	8,107	4	9
Survey and Crown Lands	1,129	12	4
Pensions, Retiring Allowances, and Gratuities	10,480	14	2
Interest and Exchange	17	6	6
Miscellaneous	11,110	1	1
Immigration	18,646	5	3
Total Excesses on Votes.. .. .	£95,353	10	8

Estimates, 1883-4.

SECONDLY.—For defraying the charge of the Colonial Government for the year ending the thirtieth day of June, one thousand eight hundred and eighty-four, the sum of One Million Six Hundred and Ninety-three Thousand and Thirty-four Pounds Ten Shillings and Ninepence, the said amount being appropriated as follows, viz.:—

	£	s.	d.
The Legislature	15,900	2	10
Private Secretary	2,222	0	0
Office of Chief Secretary	1,850	0	0
Audit	3,670	0	0
Sheriff	1,425	0	0
Registrar-General of Births, Deaths, and Marriages	3,420	0	0
Printing Office	16,808	0	0
Law Officers	3,341	10	0
Patent and Copyright	305	0	0
Public Trustee	626	0	0
Office of the Treasurer	1,086	10	0
Treasury	2,497	10	0
Agency in England.. .. .	3,695	0	0
Office of Commissioner of Crown Lands and Immigration.. .. .	1,507	0	0
Stock Inspectors	3,437	0	0
Botanic Garden	7,180	0	0
Woods and Forests.. .. .	7,586	2	2
Office of Commissioner of Public Works	2,453	14	8
Office of Minister of Education	1,354	0	0
Supreme Court	8,507	0	0
Court of Insolvency	3,260	0	0
Magistrates and Local Courts	24,255	0	0
Coroners	1,997	0	0
Registrar-General of Deeds	13,128	10	0
Police	98,594	18	6
Gaols and Prisons	23,894	14	0
Department of Education	102,249	0	6
Institutes	15,715	0	0
Art Gallery	1,200	0	0
Postal and Telegraph Services	189,830	10	0
Agriculture	1,700	0	0
Medical Officers	3,814	0	0

Hospitals

The Appropriation Act.—1883-1.

	£	s.	d.
Hospitals	17,753	0	0
Lunatic Asylums .. .	21,759	9	0
Destitute Poor .. .	30,071	0	0
Central Board of Health .. .	1,833	0	0
Quarantine Station .. .	1,191	14	0
Cemeteries .. .	994	0	0
Aborigines .. .	5,754	0	0
Volunteer Military Force .. .	26,706	13	2
Customs .. .	18,579	0	0
Harbors and Lights .. .	30,247	8	0
Architect-in-Chief .. .	3,209	0	0
Road Boards .. .	9,969	14	6
Engineer-in-Chief .. .	7,947	10	0
Railways and Tramways .. .	382,129	12	2
Waterworks .. .	29,549	10	0
Survey .. .	54,076	0	0
Valuations .. .	5,182	0	0
Geological Department .. .	1,920	0	0
Retiring Allowances and Gratuities .. .	5,433	6	8
Interest and Exchange .. .	600	0	0
Works and Buildings .. .	111,098	5	4
Roads, Streets, Bridges, Jetties, &c. .. .	47,030	12	10
Maintenance of Main Roads .. .	143,670	0	0
Aids to Corporations, District Councils, and Drainage Board .. .	65,000	0	0
Miscellaneous .. .	62,819	12	5
Immigration .. .	40,000	0	0
Total Estimates 1882-3 .. .	£1,693,034	10	9

THIRDLY.—For defraying the excess of expenditure on the charge of the Northern Territory for the year ended the thirtieth day of June, one thousand eight hundred and eighty-three, there shall be paid out of the Northern Territory Revenues Eight Thousand Nine Hundred and Sixty-four Pounds Sixteen Shillings and Tenpence, the said amount being appropriated as follows, viz.:—

Northern Territory
excess of expenditure,
1882-3.

	£	s.	d.
Government Resident .. .	506	12	5
Charitable Institutions .. .	468	5	2
Police .. .	372	14	9
Marine .. .	10	0	0
Customs .. .	182	1	9
Judicial and Legal .. .	30	19	0
Botanic Garden .. .	84	7	7
Postal .. .	818	12	9
Public Works and Buildings—			
Repairs, Additions, &c. .. .	1,291	4	6
Palmerston—Post office .. .	25	14	0
“ Gaol, &c. .. .	708	15	3
“ Quarters, Customs officer.. .	24	6	1
“ Harbor-master’s quarters.. .	10	5	0
“ Colonial Surgeon’s quarters .. .	101	17	7
Goldfields—Warden’s quarters, Shackle .. .	46	0	0
Southport Police Station .. .	328	10	2
Yam Creek “ .. .	20	0	0
Pine Creek “ .. .	80	0	0
Miscellaneous—			
Repayments .. .	111	5	0
Railway Survey—Port Darwin to Pine Creek .. .	2,818	2	6
Government Vessel—Wages, &c. .. .	106	17	2
Palmerston Town Hall—Aid towards erection of .. .	500	0	0
Purchase of Horses .. .	35	0	0
Retiring Allowances .. .	283	6	2

Total Northern Territory Excess Expenditure, 1883-4 £8,964 16 10

FOURTHLY.—

The Appropriation Act.—1883-4.

Northern Territory
Expenditure, 1883-4.

FOURTHLY.—For defraying the charge of the Northern Territory for the year ending the thirtieth day of June, one thousand eight hundred and eighty-four, there shall be paid out of the Northern Territory Revenues the sum of Fifty-two Thousand Six Hundred and Thirty-five Pounds Six Shillings and Sixpence, the said amount being appropriated as follows, viz. :—

	£	s.	d.
Government Resident	3,964	7	4
Judicial and Legal.. .. .	1,151	10	8
Gaol.. .. .	1,220	2	0
Police	4,127	14	0
Education	310	0	0
Postal	5,616	0	0
Charitable Institutions	3,471	8	6
Customs	1,674	18	0
Marine	3,092	18	0
Public Works and Buildings	18,100	0	0
Survey and Crown Lands	4,982	12	0
Stock Inspectors	350	0	0
Botanic Garden	1,262	18	0
Goldfields	910	18	0
Chinese and Coolie Labor	550	0	0
Miscellaneous.. .. .	1,850	0	0

Total Northern Territory Estimates, 1883-4 .. £52,635 6 6

Treasurer to pay the
orders of Governor,
and discharge by
receipt of party.

2. The Treasurer shall issue and pay from time to time any sum or sums of money for the purposes hereinbefore mentioned, not exceeding in the whole the sums respectively in that behalf hereinbefore specified, to such persons, and in such portions, as the Governor for the time being shall, by any order or orders in writing, signed by him, and countersigned by the Chief Secretary, from time to time direct; and the said Treasurer shall, in his accounts, be allowed credit for all sums paid by him in pursuance of such orders accordingly; and the receipts of the persons to whom such sums shall have been so paid shall be to him a full discharge for the sum or sums for which the same receipts shall have been respectively given, and the amounts thereof shall be passed to his credit in account accordingly.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WILLIAM C. F. ROBINSON, Governor.



ANNO QUADRAGESIMO SEXTO ET QUADRAGESIMO
SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1883-4.

No. 303.

An Act to amend the "Adelaide Sewers Act."

[*Assented to, February 28th, 1884.*]

WHEREAS it is desirable to amend the "Adelaide Sewers Act" so as to provide for the doing of certain drainage works on a system of deferred payments, and otherwise to amend the same—Be it therefore Enacted by the Governor of the Province of South Australia, by and with the consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

1. This Act may be called "The Adelaide Sewers Act Amendment Act," and shall, so far as the same is not hereby altered, be incorporated with the "Adelaide Sewers Act," hereinafter called "the principal Act."

Short title and
incorporation.

2. Section 48 of the "Adelaide Sewers Act" is hereby repealed, and henceforth the cost of providing, laying down, constructing, and fixing in readiness for use such drains and fittings as are necessary for draining any land or premises, shall be payable by the owner of the first estate of freehold in such land or premises, and such owner shall be entitled to charge any tenant to such owner of such land or premises at the time of such cost being incurred interest during the remainder of the tenancy of such tenant at the rate of seven pounds per centum per annum on the amount of such cost, from the time of the same being paid by such owner or of such owner becoming liable to pay interest thereon, and such interest shall be paid by such tenant to such owner at the times appointed for the payment of rent under such tenancy, and shall be a debt from such

Repeal of clause 48 of
Adelaide Sewers Act,
and payment of cost
of construction.

Adelaide Sewers Act Amendment Act.—1883-4.

such tenant to such owner, and shall also be recoverable by distress in the same manner as the rent reserved, and in like manner every tenant, or sub-tenant, who shall be charged interest under this clause shall be entitled to charge any sub-tenant to such tenant or sub-tenant of such land or premises at the time of such cost being incurred with interest during the remainder of such sub-tenancy, and such interest shall be paid by such sub-tenant at the times appointed for the payment of rent under such sub-tenancy, and shall be a debt from such sub-tenant, and shall also be recoverable by distress in the same manner as the rent reserved under such sub-tenancy: Provided always that the provisions of this section shall not invalidate or affect any existing or future contract.

Retrospective power
of clause 2.

3. The provisions of clause No. 2 shall be retrospective as to all lands of which the freehold shall not have changed since the sewage connection was made, and all tenants who have heretofore paid the said cost, or a moiety thereof, as the case may be, shall be entitled to recover such cost or moiety from his immediate landlord, and the same shall be deemed a debt due from the immediate landlord to his tenant, and be recoverable by action, or may be deducted by the tenant from the rent, and such immediate landlord, after having paid the said cost, shall be entitled to avail himself of all the rights and remedies conferred by the said clause.

Persons liable to
make connections may
apply to have work
done on deferred
payments.

4. Where any owner is liable, under this Act and the principal Act, to bear the cost of the works referred to in section 48 of the principal Act, it shall be lawful for such owner, to make application in writing to the Commissioner, asking that the works referred to in section 48 aforesaid may be done under the direction of the Commissioner, on a system of deferred payment, and thereupon it shall be lawful for the Commissioner to enter into an agreement with the applicant for the doing of such works, under the direction of the Commissioner, at a price to be therein named, and for the payment of such price by the applicant in not more than twelve quarterly instalments from the completion of the works, and interest at the rate of six per centum per annum on the amount remaining to be paid shall be added to each instalment.

Commissioner upon
completion of work
to give notice to
applicant.

5. Upon the execution of such agreement by the applicant, the Commissioner shall cause the works aforesaid to be done, and forthwith upon the completion thereof shall give notice in writing to the applicant of such completion, and of the quarterly days on which the instalments of payment will respectively fall due.

Sewers Act of 1878
amended.

6. Sections 87, 88, 89, and 92 of the "Adelaide Sewers Act, 1878," shall extend to charge the cost of laying down, constructing, and fixing in readiness for use such drains and fittings as are necessary for draining any land or premises upon such land and premises, and to enable the Commissioner to recover such cost and interest pursuant to all the provisions of such sections in like manner as if

such

Adelaide Sewers Act Amendment Act.—1883-4.

such cost and interest formed portion of a sewerage rate made under authority of the said Act, and the said sections shall be read as if the words "or the cost of laying down, constructing, and fixing in readiness for use the drains and fittings, referred to in section 48, with interest," were inserted in the said sections after the words "sewerage rates," "rates" and "sewerage rate," wherever such words occur.

7. And whereas it is desirable that the system of rating and collection for water rates and sewers rates should be uniform, be it enacted that the waterworks assessment made by the Commissioner of Waterworks under "The Waterworks Act, 1882," or any Acts hereafter passed in that behalf, shall also be the sewers assessment under the "Adelaide Sewers Act," and the particulars of water rates and the particulars of sewers rates by those Acts respectively required to be delivered to owners or occupiers, and all other notices relating to the said rates respectively, may be comprised in the same document, and may be wholly written or wholly printed, or partly written and partly printed.

Waterworks assessment is to serve for sewers assessment, and notices of each may be delivered together.

8. The Central Board of Health may, in their discretion, by notice in writing, require any person whose premises are connected with the sewers to construct such works and do such things as may be by the said Board deemed necessary for deodorising or rendering as innocuous as possible any sewage matter before it enters the sewers.

Power for the Central Board of Health to require works constructed for deodorising sewage.

9. The Commissioner may, at the request of the Central Board of Health, refuse to admit into any sewers or drains any solid or liquid sewage matter which would prejudicially affect the sewers or drains, or which would from its temperature, nature, or otherwise, be injurious. For the purposes of this section the Commissioner may cause any sewers or drains to be disconnected or closed.

Power to refuse to admit sewage matter into sewers.

And to disconnect drains.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WILLIAM C. F. ROBINSON, Governor.



ANNO QUADRAGESIMO SEXTO ET QUADRAGESIMO
SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1883-4.

No. 304.

An Act to amend "The Crown Lands Amendment Act,
1882."

[*Assented to, February 28th, 1884.*]

WHEREAS it is desirable to extend the time provided by Preamble.
"The Crown Lands Amendment Act, 1882," for the sur-
render by selectors of existing agreements—Be it therefore Enacted
by the Governor of the Province of South Australia, with the advice
and consent of the Legislative Council and House of Assembly
of the said province, in this present Parliament assembled, as
follows:

The second section of "The Crown Lands Amendment Act,
1882," shall be read as if the words "thirty-first day of March, one
thousand eight hundred and eighty-four," had been inserted in the
said section in lieu of the words "first day of December, one
thousand eight hundred and eighty-three."

Substitution of March
31st, 1884, for De-
cember 1st, 1883, in
sec. 2 of Act No. 276
of 1882.

In the name and on behalf of Her Majesty, I hereby assent to
this Bill.

WILLIAM C. F. ROBINSON, Governor.



ANNO QUADRAGESIMO SEXTO ET QUADRAGESIMO
SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1883.

Private Act.

An Act to authorise "The Parkside Tramway Company, Limited," to construct, maintain, and work Tramways by horse traction in and between certain parts of the City of Adelaide and the Townships of Parkside, Fullarton, Parkside South, and Glen Osmond, and for other purposes.

[Assented to, October 24th, 1883.]

WHEREAS the construction, maintenance, and working of tramways in and between certain parts of the City of Adelaide and the Townships of Parkside, Fullarton, and Parkside South has been of great local and public advantage: And whereas the extension of such tramways in such manner as not to impede or injure ordinary traffic in and between certain parts of the City of Adelaide and the Townships of Parkside, Fullarton, Parkside South, and Glen Osmond would be productive of further local and public benefit and convenience: And whereas a certain Joint-Stock Company, registered under "The Companies Act, 1864," as "The Parkside Tramway Company, Limited," is willing and ready, at its own expense, to construct, maintain, and work the said extended tramways in addition to and in conjunction with their said present lines of tramway; but the authority of Parliament is requisite to enable the Company so to do, and it is therefore desirable to confer on the Company all rights, powers, privileges, and immunities necessary or convenient for the construction, maintenance, and working of such extended lines of tramway—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

Preamble.

1. This

Adelaide and Parkside Tramway Extension Act.—1883.

Short title.

1. This Act may for all purposes be cited as the “Adelaide and Parkside Tramway Extension Act, 1883.”

Incorporation.

2. “The Lands Clauses Consolidation Act,” and “The Adelaide and Parkside South Tramway Act, 1881,” shall be incorporated with and form part of this Act.

Interpretation.

3. In the construction of this Act, unless there shall be something in the subject matter or context repugnant to such meanings—

The expression “the Company” shall mean “The Parkside Tramway Company, Limited”:

The expression “the tramways” shall mean the tramways by this Act authorised, or any part thereof:

The expression “the deposited plans” shall mean as well the plans of the tramways and the book of reference thereto, which were deposited in the office of the Surveyor-General on the fourth day of June, one thousand eight hundred and eighty-three, as the amended plan which was on the first day of September, one thousand eight hundred and eighty-three, deposited at the said office:

The expression “the street” shall mean any public street, road, footpath, or place along or across which the tramways are authorised to be laid:

The expression “the street authority” shall mean the persons having the control or management of the street in respect of which such expression shall be used, if the same shall be used in respect of any particular street, but if such expression shall not be used in respect of any particular street, it shall mean the persons having the control of any street:

The expression “the principal Act” shall mean “The Adelaide and Parkside South Tramway Act, 1881.”

4. The said plans deposited on the fourth day of June, one thousand eight hundred and eighty-three, shall have effect as amended, altered, or varied by the said plan deposited on the first day of September, one thousand eight hundred and eighty-three.

Power to make tramways.

5. Subject to the provisions of this Act, the Company may make, form, lay down, construct, maintain, and work on the lines shown in the deposited plans the tramways hereinafter described, and also the curves and turnouts shown on the said deposited plans, or such portion thereof as the Company may think expedient, with all proper rails, plates, works, sidings, crossings and junctions, stations, approaches, and conveniences connected therewith.

Description of tramways.

6. The tramways hereinbefore referred to and authorised by this Act are as follows—

A single line of tramway (No. 1), one mile and three chains in length, commencing at a point on the present tramway line of

Adelaide and Parkside Tramway Extension Act.—1883.

of the Company in Pirie-street one chain and twenty links west of the western side of Pulteney-street; thence passing along Pulteney-street to Flinders-street; thence along Flinders-street to Hutt-street; thence along Hutt-street and the road in continuation of Hutt-street to a point on the road in continuation of Hutt-street, distant three chains south of the southern boundary of South-terrace.

A single line of tramway (No. 2), one mile four furlongs and eight chains in length, commencing at a point on the Glen Osmond-road, distant along such road one chain and fifty links south-east from the eastern side of the Mitcham and Fullarton-road, and running thence along the Glen Osmond-road, to a point on the Glen Osmond-road, in the Township of Glen Osmond, opposite the junction of the western side of a road from Kensington with the north-east side of the Glen Osmond-road.

7. The Company shall take up and remove the turnouts at present existing on its tramway line in Hutt-street, Adelaide, authorised by the principal Act, as shown in the deposited plans; and may take up and remove all the rails, plates, sleepers, guards, and other materials connected with the turnouts aforesaid, and may do and perform all acts and things necessary for such purposes: Provided that the Company shall thereupon fill in the ground and make good the surface, and generally restore the portion of the street taken up for the purposes aforesaid, and remove all surplus rubbish occasioned thereby.

Present turnouts to be abandoned.

8. The centre line of every tramway, except where the line of such tramway shall be a curve, and except in the case of the turnouts shown on the deposited plans, shall be as follows:—In Pulteney-street, and Flinders-street, such centre line shall be the centre line of the street. In Hutt-street and the road in continuation of Hutt-street such centre line shall run parallel with and on the western side of the centre line of the street or road, at a distance of not less than sixteen feet six inches therefrom; and between the termini of tramway No. 2, on the Glen Osmond-road, such centre line shall run parallel with and on the north-eastern side of the centre line of the road, at a distance of not less than ten feet six inches therefrom.

Centre lines of tramways.

9. The tramways shall be completed fit for traffic within eighteen months from the passing of this Act, or within such further time, not exceeding twelve months, as the Governor may see fit to allow; and upon the expiration of such eighteen months, or of such further time (if any), all the powers by this Act granted to the Company shall cease to be exercisable unless in the meantime all the tramways authorised by this Act shall have been constructed.

Completion of tramways.

10. Every tramway line shall be constructed and maintained to

Mode of formation of tramways.

Adelaide and Parkside Tramway Extension Act.—1883.

to the satisfaction of the street authorities, with two rails, to be laid at a distance of four feet eight and a half inches from each other, and shall be constructed and maintained in such a manner that the uppermost surface of every rail shall be on a level with the surface of the street; and the rails used in the construction of every tramway shall be of iron or steel, and of the weight of not less than twenty pounds to the yard, and such rails shall be grooved, the groove in no case exceeding one inch and a quarter in width; and all such rails shall be guarded on the outer edge with wood or stone.

Tramcars to have
flange wheels.

11. The Company shall use on the tramways, cars with flange wheels, or wheels specially or particularly adapted to run on a grooved rail.

Motive power.

12. The cars used on the said tramways shall be drawn by horses.

Maintenance of
tramways.

13. The Company shall at all times keep the tramways in good repair and working order, and after the end of the said eighteen months, or of such further time (if any) as may have been allowed as aforesaid, the Company shall provide cars in sufficient numbers to travel along the tramways hereby authorised between the respective termini thereof at least eight times each way between the hours of seven in the morning and eleven in the evening of every day except Sunday.

Tolls.

14. The Company may demand and take for every passenger conveyed upon the tramways, for the use of the tramways, and car, and motive power, and every other expense incidental to the conveyance of such passenger, any tolls or charges not exceeding the sum of Twopence per mile, but so that for every passenger conveyed for a distance less than three miles the Company may demand and take tolls and charges as for three miles, and for every fraction of a mile beyond three miles the Company may demand tolls and charges as for a mile.

Rating clause.

15. In each year after the year one thousand eight hundred and eighty-three, the Company shall pay to the Corporation of the City of Adelaide rates calculated on the sum of Two Hundred Pounds as the annual value of every mile in length of the tramways hereby authorised along any street in the City of Adelaide, in the same manner as rates declared and levied upon ratable property, by virtue of "The Municipal Corporations Act, 1880," or of any Act amending the same, and such rates shall form portion of the general revenue of such Corporation: Provided that, save as in this section provided, neither the tramways nor any works connected therewith, nor the cars, horses, rolling-stock, or other things used in working the tramways, shall be liable to the payment of any municipal, district, or other local rates or taxes whatever.

Security from
treasurer.

16. The Company, prior to engaging any treasurer, collector, receiver,

Adelaide and Parkside Tramway Extension Act.—1883.

receiver, or other officer to be entrusted with the collection or custody of any moneys in connection with or for the use of the tramways hereby authorised, shall receive from such officer a bond, with sufficient sureties, conditioned in such an amount as the directors of the Company made deem sufficient as security for the faithful execution of his office.

17. All moneys at any time becoming due to the Company by any of its members in respect of calls made upon shares not fully paid up, but subscribed for the purpose of constructing and maintaining the tramways hereby authorised, shall be debts due by such members respectively, and recoverable by action accordingly.

Payment of capital
subscribed to be com-
pelled.

18. The Company shall cause to be kept full and accurate accounts of all moneys received and expended under the provisions of this Act, and shall cause such accounts to be balanced once at least in every year.

Accounts to be kept.

19. The Company shall, once at least in every year, cause such accounts to be submitted to an auditor or auditors, to be appointed by the members of the Company, and such auditor or auditors shall, for the purpose of assisting him or them in the preparation of a full, true, and impartial report, be supplied by the Directors of the Company with all books, accounts, memoranda, and vouchers relating in anywise to the affairs of the Company.

Accounts to be
audited.

20. The remuneration of such auditor or auditors shall be fixed by the members of the Company at the time of his or their appointment, and shall be payable out of the funds of the Company.

Remuneration of
auditors.

21. The Company shall also, once in every year at the least, cause to be prepared an account in abstract of the total amount realised by the said fees, tolls, charges, and other payments hereby authorised to be made, and also of all outgoings, debts, expenses, and liabilities incurred by or on behalf of the Company for the past year, under the several and distinct heads of receipts and expenditure, together with a statement of the balance of the account, duly audited, which statement shall be signed and certified by such auditor or auditors, and by the Chairman of the Directors of the Company; and the Company shall cause to be transmitted one copy of such account, free of charge, to the Commissioners of Audit of the said province, on or before the thirty-first day of January in every year.

Abstract of account
to be annually trans-
mitted to Commis-
sioners of Audit.

22. In the event of the Company not forwarding such account at the time hereinbefore provided, they shall forfeit and pay a sum or penalty of Five Pounds for every day during which the said account is withheld from the Commissioners of Audit.

Penalty.

23. The said account shall, after due inspection by the Commissioners of Audit, be filed by them in their office, and shall be open to

Commissioners of
Audit to file abstract.

to

Adelaide and Parkside Tramway Extension Act.—1883.

to the inspection of the public at all reasonable hours on payment of the sum of One Shilling.

Suspension of dividend.

24. Upon the expiration of two years from the passing of this Act the payment of any dividend on the ordinary and unguaranteed capital of the Company shall be suspended until the lines of tramway hereby authorised shall be completed and open for public traffic.

Restrictions as to mortgage.

25. The Company shall not have power to raise by loan or mortgage any sum or sums of money exceeding one-third part of the capital of the Company, nor shall it be lawful for the Company, or any person or persons acting on its behalf, to raise any sum or sums of money whatsoever, whether on loan or mortgage, unless and until an amount equal to one-half of the capital of the Company shall have been fully paid up by the members thereof.

Deposit to be impounded as security for completion of line.

26. Whereas, pursuant to the Standing Orders of the Legislative Council of this province, a sum of Four Hundred and Fifty Pounds, being one-twentieth of the amount of the estimate in respect of the tramways authorised by this Act, has been deposited in the Treasury of the said province—Be it Enacted that the said sum of Four Hundred and Fifty Pounds, so deposited as aforesaid, in respect of the application for this Act, shall not be paid or transferred to or on the application of the person or persons depositing the same, or their successors or representatives, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the tramways hereby authorised to be made, either open the said tramways for the public conveyance of passengers, or prove to the satisfaction of the Commissioner of Public Works that the Company have paid up one-half of the amount of the capital raised by means of shares for the construction of the said tramways, and have expended for the purposes of this Act a sum equal in amount to such one-half of the said capital; and if the said period shall expire before the Company shall either have opened the tramways for the public conveyance of passengers or have given such proof as aforesaid to the satisfaction of the Commissioner of Public Works, the said sum of money deposited as aforesaid shall be applied in the manner hereinafter specified, and the certificate of the said Commissioner shall be sufficient evidence of the fact so certified: Provided that if the aforesaid conditions for repayment of the said sum of Four Hundred and Fifty Pounds shall be complied with, such sum shall thereupon be repaid by the Treasurer to the Company.

Application of deposit, or penalty in compensation to parties injured.

27. The said sum of money deposited as aforesaid shall be applicable, and, after due notice in the *Government Gazette*, shall be applied towards compensating any person whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the said tramways, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred

Adelaide and Parkside Tramway Extension Act.—1883.

conferred upon the Company by this Act, and for which injury or loss no compensation, or inadequate compensation, shall have been paid, and also in compensating all street authorities for the expenses incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such street authorities respectively, and in making good all damages caused to such roads by the construction or abandonment of such tramway, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Supreme Court, or any Judge thereof, may seem fit; and if no such compensation shall be payable, or if a portion of such sum shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of money, or such portion thereof as may not be required as aforesaid, shall be forfeited to Her Majesty, and accordingly be paid or transferred to and form part of the revenue of the province in such manner as the said Court or Judge thinks fit to order on application of the Attorney-General, or in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

28. If the tramways authorised by this Act shall not be completed within the period limited by this Act. then, on the expiration of such period, the powers by this Act granted to the Company for making and completing the said tramways, or otherwise in relation thereto, shall cease to be exercised.

Penalty in case of non-completion.

29. It shall not be lawful for the Company to employ any part of the capital raised by means of calls, or of any power of borrowing, for the purpose of paying any sum or sums of money as interest or dividends upon such calls.

No interest on calls to be paid out of capital.

30. The Company shall not, out of the capital raised for the purposes of the principal Act, pay the deposit money referred to in the 26th section hereof.

Deposit not to be paid out of capital received for other purposes.

31. At any time after the expiration of fourteen years from the time of the passing of the principal Act, it shall be lawful for the Government to purchase the said tramways and undertaking at a price to be determined as follows, that is to say:—Two arbitrators shall be appointed by the Government, and two arbitrators by the Company, and all matters relating to such purchase shall be submitted to the decision of such arbitrators, and in all other respects such arbitration shall be conducted in accordance with, and under and subject to, “The Railways Clauses Consolidation Act,” No. 7 of 1847: Provided that the Government shall not be compelled to abide by the event of the award if the Government shall give to the Company one month’s notice in writing to that effect, and thereupon the Company

Government may purchase.

Adelaide and Parkside Tramway Extension Act.—1883.

Company shall be at liberty to carry on and work the said tramways: And provided also that the Government shall pay all costs of the reference and award, and all costs and charges incidental thereto.

Tramway not to be exempt from general Act.

32. Nothing herein contained shall be deemed or construed to exempt the tramways by this Act authorised to be made from the provisions of any general Act relating to tramways now in force, or which may hereafter pass during this or any future Session of Parliament, or from any future revision and alteration under the authority of Parliament of the maximum rates of fares and charges authorised by this Act.

Government not bound to compensate.

33. If at any future time the Government shall construct or erect any line or lines of tramway or railway, the construction or erection of which may or may be supposed to injuriously affect, whether by competition or otherwise, the lines of tramway hereby authorised, the Company shall not be entitled to receive or claim any compensation from the Government by reason of such damage or injury.

Application of principal Act.

34. Except where inconsistent with the provisions of this Act, all provisions contained in the principal Act regulating the construction and maintenance of the tramways and undertaking thereby authorised shall apply to the construction and maintenance of the tramways and undertaking hereby authorised; and all rights, powers, and liabilities vested in and affecting the Company and other persons by virtue of the principal Act in any manner relating to the tramways and undertaking thereby authorised, shall be vested in and affect in a similar manner the Company and all other persons in reference to the tramways and undertaking hereby authorised; and all fines, penalties, and forfeitures for any offence against the provisions of the principal Act shall be payable and recoverable in respect of similar acts and offences in reference to the tramways and undertaking hereby authorised; and all provisions contained in the principal Act as to evidence and procedure shall apply to similar matters in reference to the tramways and undertaking hereby authorised; and for the purposes aforesaid all words contained in the principal Act referring to the tramways and undertaking thereby authorised shall be deemed to comprise the tramways and undertaking hereby authorised; and all powers and discretions vested in the respective street authorities by the principal Act in respect of the licensing of cars and drivers, and levying rates, shall apply to the tramways hereby authorised, and the cars and drivers using or employed on the same; and for the purposes aforesaid all the provisions of the principal Act shall apply to the tramways hereby authorised.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WILLIAM C. F. ROBINSON, Governor.



ANNO QUADRAGESIMO SEXTO ET QUADRAGESIMO
SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1883.

Private Act.

An Act to enable the Corporation of the City of Adelaide to construct and maintain a Road or Thoroughfare through the square or reserve situated in the said city known as Victoria-square.

[Assented to, October 26th, 1883.]

WHEREAS it is desirable that the Corporation of the City of Adelaide should be enabled to construct and maintain a road or thoroughfare through the square or reserve situated in the said city known as Victoria-square: And whereas legislative authority is necessary for such purpose—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

Preamble.

1. This Act may be for all purposes cited as the "Victoria-square Thoroughfare Act, 1883."

Short title.

2. The Corporation of the City of Adelaide may, out of any rate or other moneys available for that purpose, construct and maintain a road or thoroughfare in continuation of King William-street, in the City of Adelaide, and of the same breadth as the said King William-street, through the square or reserve situated in the said city and known as Victoria-square; and the care, control, and management of such road or thoroughfare, when constructed, shall be vested in the said Corporation.

Power to construct and maintain road.

3. If the said Corporation shall not construct the said road or thoroughfare

If road not constructed within two years, power to cease.

46° & 47° VICTORIÆ, PRIVATE ACT.

Victoria-square Thoroughfare Act.—1883.

thoroughfare within two years from the time of the passing of this Act, all the powers and authorities given hereby shall cease, save only as to so much of such construction as may have been completed within such time.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WILLIAM C. F. ROBINSON, Governor.



ANNO QUADRAGESIMO SEXTO ET QUADRAGESIMO
SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1883.

Private Act.

An Act to amend "The Ocean Dock Act, 1882."

[Assented to, November 22nd, 1883.]

WHEREAS it is expedient to amend "The Ocean Dock Act, 1882," by fixing the maximum rates which may be charged by the Ocean Dock Company, Limited, as tolls and charges for receiving and berthing ships, and for wharfage and other dues—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

1. This Act may be cited for all purposes as "The Ocean Dock Act Amendment Act, 1883." Short title.
2. Section 3 of "The Ocean Dock Act, 1882," is hereby repealed. Repeal of section 3 of Act of 1882.
3. The Ocean Dock Company, Limited, may demand and take tolls and charges for receiving and berthing ships (including steamships), and for wharfage and other dues, not exceeding those mentioned in the Schedule to this Act. Company may levy tolls.
4. This Act shall be incorporated with and form portion of "The Ocean Dock Act, 1882." Incorporation.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.
WILLIAM C. F. ROBINSON, Governor.

SCHEDULE

SCHEDULE REFERRED TO.

For wharfage dues on all goods landed, shipped, or transhipped, as follows :—

A uniform rate of 1s. 8d. per ton dead weight, or 2s. per ton of 40 cubic ft. measurement, at the option of the company, on all goods and merchandise not enumerated in the following list. And on all goods and merchandise enumerated in such list the sums therein mentioned, that is to say—

	s.	d.
Ballast, per ton	0	6
Bark, per ton of 2,240lbs.....	2	0
Bones, per ton of 2,240lbs.	2	0
Bran and pollard, per ton of 2,000lbs.....	1	8
Bellows (blacksmiths'), each	0	6
Bricks, tiles or slates, per 1,000	2	6
Carriages, drays, and wagons, unpacked, per wheel	1	0
Chaff, per ton of 2,000lbs.....	2	6
Casks, cases, and packages of all descriptions, empty, per ton	0	6
Coal and coke, per ton	1	0
Cement, per barrel	0	3
Cattle, per head	2	0
Firewood, per ton	1	0
Flour and meal, per ton of 2,000lbs.	1	8
Grain of all descriptions, per bag	0	2
Goats, sheep, and pigs, per head.....	0	2
Hay, per ton of 2,240lbs.....	2	6
Hides, in bulk, per 100	6	0
Hoofs and horns, per ton.....	2	6
Horses, per head	2	0
Leather, per ton of 2,240lbs.	2	0
Machinery, heavy packages over 3 tons in weight, per ton	4	0
Machinery, Agricultural, uncased—		
“ Chaffcutters, 6d to	1	6
“ Corncrushers, each	0	6
“ Cornscreens	0	6
“ Earthscoops, under 3cwt.....	0	6
“ “ over 3cwt.	1	0
“ Forges (portable), each.....	0	6
“ Garden rollers, each.....	0	6
“ Grain sowers, each, 6d. to	1	6
“ Harrows, set of three	0	9
“ Horserakes, each	0	9
“ Horsepowers, each	3	0
“ Road rollers, each.....	5	0
“ Scarifiers, each	1	6
“ Ploughs (single), each	0	4
“ “ (double), each.....	0	8
“ “ (triple), each	1	0
“ Ploughshares, per doz.....	0	1
“ Washing machines, each	0	4
“ Weighing machines, each	0	6
“ Wheelbarrows, each.....	0	3
“ Winnowers, each	1	6
“ Reapers and thrashers, each	5	0
Oars, per pair	0	1
Ores, per ton.....	1	3
Potatoes, per cwt.....	0	1

Rice

The Ocean Dock Act Amendment Act.—1883.

	<i>s.</i>	<i>d.</i>
Rice, per cwt.	0	1
Skins (sheep), per dozen	0	2
“ “ per bale 6d., double bale	1	0
“ “ per bundle, 2d. to	0	4
Skins (sheep), per bag	0	1
“ (kangaroo), per dozen	0	1
“ (wallaby and others), per bag	0	2
Soap, in large packages, per cwt.	0	2
“ per box	0	2
“ per half box	0	1
Sugar, per ton of 2,240lbs.	2	0
Tallow, per cwt.	0	1
Timber, viz.—		
Deals, battens, logs, and sawn timber, per load of 40 cubic feet	1	6
Draypoles, each	0	2
Naves, per pair	0	1
Shafts, per pair	0	1
Spokes and felloes, per 100	0	9
Laths and shingles, per 1,000	0	6
Palings and pickets, per 100	0	4
Posts and rails, per 100	2	6
Shingles, per 1,000	1	0
Staves (large), per load of 40 feet	1	6
Staves and head (small) per 1,000	3	4
Wheels, per pair	0	6
Wool, per bale	0	6
“ pocket or bag	0	3

Nothing less than 6d. for one packet. Goods landed and taken to another ship direct, and wool landed for dumping only, to pay one wharfage.

Tonnage Dues.

For all ships (including steamships) entering the dock the sum of 3d. per ton register.



ANNO QUADRAGESIMO SEXTO ET QUADRAGESIMO
SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1883.

Private Act.

An Act to amend the "Glenelg Railway Act, 1881," and
to amend "The Adelaide, Glenelg, and Suburban
Railway Act, 1871," and to amend the "Holdfast
Bay Railway Act, 1878."

[Assented to, November 22nd, 1883.]

WHEREAS an Act was passed in the forty-fourth and forty-
fifth year of the reign of Her present Majesty, intituled Preamble.
"An Act to amalgamate the Holdfast Bay Railway Company,
Limited, and the Adelaide, Glenelg, and Suburban Railway Com-
pany, Limited, and for other purposes": And whereas it is expedient
to amend the said Act, and also "The Adelaide, Glenelg, and Suburban
Railway Act, 1871," and the "Holdfast Bay Railway Act, 1878,"
in manner hereinafter appearing—Be it therefore Enacted by the
Governor of the Province of South Australia, with the advice and
consent of the Legislative Council and House of Assembly of the
said province, in this present Parliament assembled, as follows:

1. This Act may be cited for all purposes as the "Glenelg Short title.
Railway Act Amendment Act, 1883."

2. The expression "the said Company" shall mean the "Glenelg Interpretation.
Railway Company, Limited," as mentioned in "Glenelg Railway
Act, 1881."

3. So much of section 70 of "The Adelaide, Glenelg, and
Suburban Railway Act, 1871," as enacts that "the Company shall
provide Repeal of part section
70 of "The Adelaide
Glenelg, and Subur-
ban Railway Act,
1871."

Glenelg Railway Act Amendment Act.—1883.

provide trains in sufficient number for ordinary traffic to travel along the railway from one end to the other thereof at least three times each way on every day," is hereby repealed.

Repeal of part section 21 of "Holdfast Bay Railway Act, 1878."

4. So much of section 21 of the "Holdfast Bay Railway Act, 1878," as enacts that "the Company shall provide trains in sufficient number for ordinary traffic to travel along the railways from one end to the other thereof at least three times each way on every day," is hereby repealed.

Repeal of part section 49 of the "Glenelg Railway Act, 1881."

5. The words "shall provide trains in sufficient number for ordinary traffic between Adelaide and Glenelg, and shall cause such trains to run hourly on each weekday between the hours of seven a.m. and eleven p.m., and shall, except on racedays or other special occasions, cause nine trains at the least to be run daily between Adelaide and Glenelg on each line each way, and" contained in the first six lines of section 49 of the "Glenelg Railway Act, 1881," are hereby repealed.

Number of trains to be provided daily.

6. From and after the passing of this Act the said Company shall provide trains in sufficient number for ordinary traffic between Adelaide and Glenelg, and shall cause at least fourteen trains on each weekday to run each way between Adelaide and Glenelg; and five trains at least shall be run on every weekday each way on both lines; and the said Company shall on every weekday cause two trains from Glenelg to reach Adelaide at such times as may be fixed by the Commissioner of Public Works, to enable passengers thereby to proceed by two Government passenger-trains leaving the railway station at North-terrace daily; and the said Company shall on every day except Sundays cause a train to leave Adelaide for Glenelg not earlier than half-past eleven o'clock p.m.

Right to use portion of line between Bay-road and Miller's Corner in lieu of going round Althorpe and Victoria places.

7. Notwithstanding anything contained in the "Holdfast Bay Railway Act, 1878," and in the "Glenelg Railway Act, 1881," or in this Act, it shall be lawful for the Glenelg Railway Company, Limited, their successors and assigns, as and when they shall think fit, in running the trains on the Holdfast Bay Railway line between the termini at Adelaide and Glenelg, to use for the general purposes of traffic, and as a compliance with the above-mentioned Acts, that portion of the Company's railway which branches off at the junction of the Bay-road with the Brighton-road, and joins the Company's railway near Miller's Corner, and thence along Jetty-road to the jetty, in lieu of using that portion of the Company's line of railway as now laid down from the said junction of the Bay and Brighton roads, along the Bay-road, thence past Althorpe and Victoria places to the jetty.

Public Act.

8. This Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such.

9. This

Glenelg Railway Act Amendment Act.—1883.

9. This Act and the "Glenelg Railway Act, 1881," as hereby ^{Incorporation.} amended, shall be read together as one Act.

In the name and on behalf of Her Majesty, I hereby assent to
this Bill.

WILLIAM C. F. ROBINSON, Governor.



ANNO QUADRAGESIMO SEXTO ET QUADRAGESIMO
SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1883-4.

Private Act.

An Act to authorise the Corporation of the Town of Glenelg to improve the Patawalonga River in and near the Town of Glenelg, and for other purposes.

[Assented to, February 28th, 1884.]

WHEREAS it is desirable to enable the Corporation of Glenelg Preamble.
to improve the Patawalonga River in and near the Town of Glenelg, by the construction of a dam across the said river, with floodgates, sluices, and other works, for the purpose of scouring the entrance from the sea to the said river; for the purpose also of retaining the tidal waters for the use of yachts, boats, and other vessels as a dock; and for the purpose of removing the nuisance caused by the present foul state of the bed of the said river; and for the purposes also of public recreation, amusement, health, and enjoyment: And whereas the said Corporation desire to cause such improvements to be made: And whereas three plans have been prepared by the order of the Select Committee of the Legislative Council appointed to consider the said proposed improvements, all of which said plans have been signed by the Chairman of the said Select Committee, and have been, on the twenty-ninth day of November, one thousand eight hundred and eighty-three, deposited in the office of the Surveyor-General, at Adelaide, in the said province, one of which said plans, marked A, shows the locality in which it is proposed to construct the said dam and weir, and the other two of which said plans, marked B and C, show the proposed mode of the construction of such dam and weir—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly
of

The Patawalonga River Improvement Act.—1883-4.

of the said province, in this present Parliament assembled, as follows:

Short title.

1. This Act may be cited for all purposes as “The Patawalonga River Improvement Act, 1883-4.”

Corporation to be promoters.

2. The Corporation of the Town of Glenelg shall be deemed to be the promoters of the said works and of the works and undertaking hereby authorised.

Corporation to have power to enter grounds to make surveys, &c.

3. From and after the passing of this Act it shall be lawful for the said Corporation, their lessees, deputies, agents, officers, and workmen, to enter upon the grounds of any person and any reserves, and to survey and take levels of the same or any part thereof, for the purpose of preparing the plans for and for the construction of the said works.

Incorporation of Acts.

4. “The Lands Clauses Consolidation Act, No. 6 of 1847,” clauses 25 to 39, both inclusive, of “The Railways Clauses Consolidation Act, No. 7 of 1847,” and Part 9 of “The Municipal Corporations Act, 1880,” and any amendments thereof shall be incorporated with and form part of this Act so far as applicable to the same.

With the consent of ratepayers, bonds may be issued to raise funds to improve the river.

5. Whenever a meeting of the ratepayers of the town of Glenelg shall have approved the borrowing of money on the credit of the rates to improve the said Patawalonga River in the manner hereinbefore mentioned, and no poll has been demanded, or when a poll has been demanded and taken and the majority of the votes of the ratepayers shall be in favor of borrowing money for such purpose, the Corporation of the said town may, under the provisions of and in the form contained in Part 9 of “The Municipal Corporations Act, 1880,” issue bonds not exceeding in the whole the sum of Thirty Thousand Pounds for such amounts as the said Corporation may deem expedient: And all moneys raised and received by the said Corporation upon the security of the said bonds shall be carried to the credit of a fund to be called “The Patawalonga Improvement Fund,” to be paid in such amount and manner for the purposes of improving the said river, as aforesaid, as shall be deemed expedient by the said Corporation, under the provisions of this Act.

Bonds payable in not more than fifty years.

6. The time appointed for the payment of the bonds to be issued under this Act shall not extend beyond fifty years.

Revenue derivable from the river to be appropriated to pay principal and interest of bonds.

7. After the issue of the said bonds, and until the same are paid, all revenues, rent, fees, fines, or other moneys which may be received by the said Corporation as profits arising from the letting or granting of any privileges, rights, or licences in respect of the use and enjoyment of the said river, when improved in the manner hereinbefore mentioned, by any company or persons to whom the same may be let or granted, shall be paid by the said Corporation to the credit of the said Patawalonga Improvement Fund,

The Patawalonga River Improvement Act.—1883-4.

Fund, and shall be applied in the first instance to the payment of all interest upon the said bonds, and, after the payment of such interest, shall be from year to year allowed to accumulate in such manner as shall be most expedient with a view to a final payment thereout of the said bonds when the same become due.

8. The said promoters or their lessees may make and construct a dam across the Patawalonga River in the position shown on the said plan marked A, such dam to be constructed in the manner shown and delineated in the said plan marked B; and they may make and construct a weir across the said Patawalonga River, such weir to be constructed in the manner shown and delineated in the said plan, marked C, provided such weir shall not be constructed higher up the said river than about two chains north of the River Sturt; and they may do and perform all other works and things necessary for removing the nuisance caused by the present foul state of the bed of the said Patawalonga River, and for the purpose of deepening the same and rendering it available for the use of boats and yachts and other vessels; and they may also make and construct such wharves, retaining walls, bridges, and sluices as they may consider necessary for the carrying out of the objects of this Act.

Promoters may make dam and weir.

Wharves, &c.

9. The Corporation of Glenelg may, after the said improvements have been completed, build, erect, or place upon the piece of land marked "proposed reserve for boatsheds" on the said plan marked A, which said piece of land contains one acre two roods and twenty-eight poles, and is situated between the centre of the said Patawalonga River and the road on the western side thereof, all such sheds, boat houses, stands, wharves, landing stages, and other buildings requisite for the rendering available for the purposes aforesaid the said river.

Corporation may erect necessary buildings for boats and landing places.

10. The said Corporation, for all the purposes of this Act, shall have the care, control, and management of the said improvements when completed, and the waters impounded by the same.

Corporation to have control of improvements.

11. The promoters shall not retain the water in the said Patawalonga River at a higher level than one hundred and ten feet above datum level, and they shall open the floodgates in the said dam whenever the tide shall rise one hundred and eight feet above datum level, so as to allow free ingress and egress of boats and yachts and other vessels.

Level of water and opening of floodgates.

12. The said Corporation or lessees may charge and collect such fixed tolls as they think proper for all boats or vessels entering the dock, or plying for hire in the same, within the limits of the waters retained by their works, and they may detain any boat or vessel until such tolls are paid; and they may charge and collect such tolls and rates as they may think proper for the use of any wharves they may construct: Provided always that any such tolls and rates shall have been approved of by the Governor in Executive Council

Tolls may be charged and collected.

Proviso.

The Patawalonga River Improvement Act.—1883-4.

Council: Provided also that no tolls be charged for any fishing boat *bona fide* actually used for the purpose of the fishing trade, or any boat the property of any person resident at Glenelg on the thirty-first day of December, one thousand eight hundred and eighty-three, and which shall, on or before that date, have been at Glenelg. All such tolls as aforesaid, according to the scale for the time being in force, may be recovered by the said Corporation or lessees, in any Court of competent jurisdiction, from the owners or masters of all yachts, boats, and other vessels, except as aforesaid, using the said river.

Corporation may transfer power.

13. The said Corporation may lease to, or enter into any contract or agreement which it may consider expedient with, any Company or person willing to carry out the works hereby authorised to be constructed, upon such terms and conditions as may be agreed upon, and may, by such contract, lease, or agreement, give to such Company or person all or any of the concessions, privileges, and powers by this Act conferred upon the said Corporation; and from and after the execution by the said Corporation of any such lease, contract, or agreement, such Company or person shall (to the extent to be therein mentioned) be vested with the concessions, privileges and powers as fully as the same are hereby vested in the said Corporation, and such person may enjoy and exercise the same accordingly; and such Corporation shall have full power to execute all leases, or other assurances as may be necessary or proper for carrying the provisions hereof into effect.

Waters not to become offensive—Provisions respecting public reserves.

14. The waters in the said Patawalonga River shall not be confined for so long a period of time as to become offensive; and no building shall be erected on any land at present set apart for any public purpose except as provided for by clause 9 of this Act; and all land so set apart shall continue to be used for the public purpose to which it has been so set apart.

Completion of works.

15. The works shall be completed within seven years from the passing of this Act, and upon the expiration of such seven years the powers in this Act granted for constructing the works shall cease to be exercisable.

Security from Treasurer.

16. The said Corporation, prior to engaging any treasurer, collector, receiver, or other officer to be entrusted with the collection or custody of any moneys in connection with or for the use of the work hereby authorised, shall receive from such officer a bond, with sufficient sureties, conditioned in such an amount as the said Corporation may deem sufficient as security for the faithful execution of his office.

Accounts to be kept.

17. The said Corporation shall cause to be kept full and accurate accounts of all moneys received and expended under the provisions of this Act, and shall cause such accounts to be balanced once at least in every year.

18. The

The Patawalonga River Improvement Act.—1883-4.

18. The said Corporation shall, once at least in every year, cause such accounts to be submitted to an auditor or auditors to be appointed by the said Corporation for the purpose of being duly audited, and such auditor or auditors shall, for the purpose of assisting him or them in the preparation of a full, true, and impartial report, be supplied by the said Corporation with all books, accounts, memoranda, and vouchers in anywise relating to the work to be performed.

Accounts to be audited.

19. The remuneration of such auditor or auditors for his or their charge or charges in making such audit, and his or their expense or expenses in connection therewith, shall be fixed by the said Corporation at the time of his or their appointment, and shall be payable out of the funds levied under this Bill.

Remuneration of auditors.

20. The said Corporation shall also, once in every year at the least, cause to be prepared an account, in abstract, of the total amount received and realised by the said fees, tolls, charges, and other payments hereby authorised to be made, and also of the total amount of all outgoings, debts, expenses, and liabilities incurred by or on behalf of the said Corporation for the work hereby authorised for the past year under the several and distinct heads of receipts and expenditure, together with a statement of the balance of the account, duly audited, which statement shall be signed and certified by such auditor or auditors and by the said Corporation; and the said Corporation shall cause to be transmitted one copy of such annual account, free of charge, to the Commissioners of Audit of the said province on or before the thirty-first day of January in every year.

Abstract of account to be annually transmitted to Commissioners of Audit.

21. In the event of the said Corporation not forwarding such account at the time hereinbefore provided, they shall forfeit and pay a sum or penalty of Five Pounds for every day during which the said account is withheld from the Commissioners of Audit, to be recovered summarily.

Penalty.

22. The said account shall, after due inspection by the Commissioners of Audit, be filed in their office, and shall be open to the inspection of the public at all reasonable hours on payment of the sum of One Shilling.

The Commissioners of Audit, to file abstract.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WILLIAM C. F. ROBINSON, Governor.

